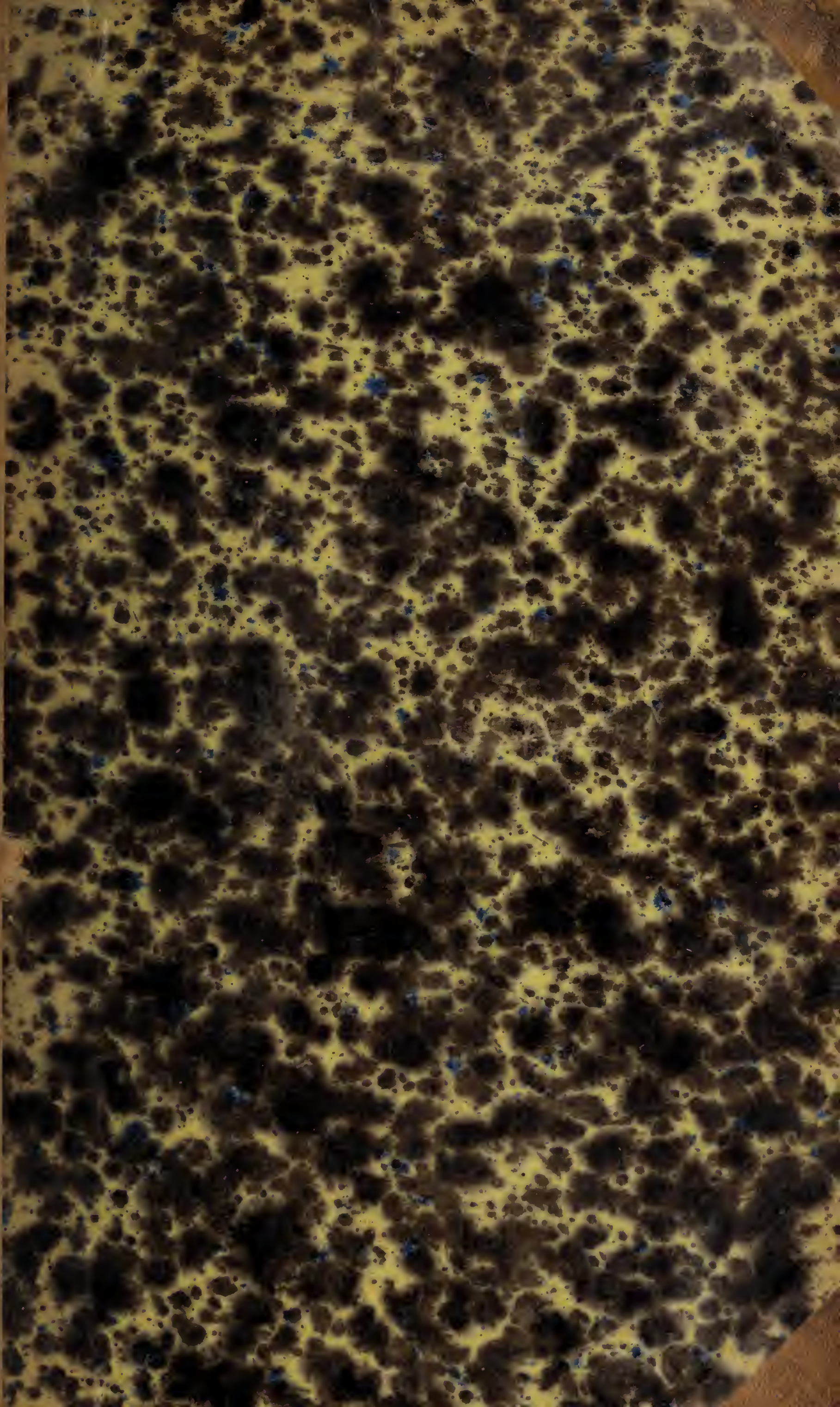


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THE

JOURNAL OF THE SENATE

OF THE

STATE OF OHIO,

FOR THE ADJOURNED SESSION OF THE

SIXTY-SECOND GENERAL ASSEMBLY,

COMMENCING

TUESDAY, JANUARY 2, 1877.

VOLUME LXXIII.

SPRINGFIELD, OHIO:
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REMOTE STORAGE

MEMBERS AND OFFICERS

OF THE

SENATE,

OF THE

SIXTY-SECOND GENERAL ASSEMBLY OF THE STATE OF OHIO,

WITH THEIR COUNTIES AND DISTRICTS.

NAMES.	COUNTIES.	Dist.
Andrews, G. W.	Allen, Auglaize, Defiance, Mercer, Paulding, Van Wert and Williams	32
Ault, John	Knox, Morrow, Wayne and Holmes	27 28
Bates, J. H.	Hamilton	1
Beatty, W. W.	Logan, Union, Marion and Hardin	13
Brown, A. L.	Highland and Ross	6
Brown, T. P.	Fulton, Hancock, Henry, Lucas, Putnam and Wood	33
Burns, A. M.	Medina, Lorain, Ashland and Richland	27 29
Burress, N. P.	Miami, Darke and Shelby	12
Burrows, S. S.	Ashtabula, Stark aud Geauga	24
Curtiss, H. W.	Cuyahoga	25
Ellis, Elias	Muskingum and Perry	15
Haines, Abner Sr.,	Montgomery and Preble	3
Haines, A. R.	Carroll and Stark	21
Hudson, J. H.	Huron, Erie, Sandusky and Ottawa	30
Johnson, J. R.	Mahoning and Trumbull	23
Kent, Marvin.	Portage and Summit	26
Kerr, H. V.	Clermont and Brown	4
Kessler, Henry	Hamilton	1
Kleinschmidt, E. F.	"	1
Knox, Samuel.	Belmont and Harrison	20
Lewis, E. C.	Coshocton and Tuscarawas	18
Miller, Wm.	Franklin and Pickaway	10
Monahan, I. T.	Adams, Pike, Scioto and Jackson	7
Owens. J. W	Delaware and Licking	16
Philson, J. R.	Lawrence, Gallia, Meigs and Vinton	8
Ransom, E. P.	Hamilton	1
Reese, R. E	Athens, Hocking and Fairfield	9
Rukenbrod, J. K	Jefferson and Columbiana	22
Schenck, J. C.	Cuyahoga	25
Sheridan, Jr., W.	Allen, Auglaize, Defiance, Mercer, Paulding, Van Wert and Williams	32
Spangler, A.	Greene, Clinton and Fayette	5
Stanton, R.	Washington, Morgan, and part of Noble	14
Stickney, E. T.	Seneca, Crawford and Wyandot	31
Stokes, William H.	Butler and Warren	2
Swan, C. J	Fulton, Hancock, Henry, Lucas, Putnam and Wood	33
Warnock, W. R.	Clark, Champaign and Madison	11
Williams, J. R.	Guernsey, Morgan, and part of Noble	19

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OFFICERS OF THE SENATE.

NAMES.	OFFICE.
Thomas L. Young,	President.
H. W. Curtiss,	President *pro tem.*
J. C. Donaldson,	Clerk.
H. E. Gilkey,	1st Assistant Clerk.
C. C. Baker,	2d " "
W. S. Thomas,	3d " "
J. A. Lantz,	4th " "
W. M. Eames, Jr.,	5th " "
E. L. Jones,	Sergeant-at-Arms.
S. N. Field,	1st Assistant Sergeant-at-Arms.
J. Hildebrand,	2d " " "

PAGES OF THE SENATE.

NAMES.	OFFICE.
James Morgan,	Page.
J. R. Crane,	"
Carlisle Olmstead,	"
Frank Fogle,	"

JOURNAL OF THE SENATE.

SENATE CHAMBER, COLUMBUS, OHIO,
TUESDAY, January 2, 1877—3 o'clock P. M.

The Senate having adjourned on the 12th day of April, A. D. 1876, in pursuance of Senate Joint Resolution No. 26, to meet on the 2d day of January, A. D. 1877, at 3 o'clock P. M., convened at that hour, and was called to order by the President, Lieutenant Governor Thos. L. Young.

Prayer by Rev. Edward P. Heberton.

The President officially announced the death of Hon. P. M. Dechant, Senator from the Second District.

The credentials of Wm. H. Stokes, Senator elect from the Second District, successor of P. M. Dechant, deceased, were presented, and said gentleman appearing within the bar of the Senate, and having taken an oath (administered by the President,) to support the Constitution of the United States, and the Constitution of the State of Ohio, and, also, an oath of office, entered upon the discharge of his duties.

On demand of Mr. Curtiss, a call of the Senate was had.

Senators present were—

Messrs. Andrews, Bates, Beatty, Brown of Ross, Curtiss, Haines of Carroll, Haines of Preble, Kent, Kessler, Kleinschmidt, Knox, Miller, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Stanton, Stickney, Stokes, Swan, Warnock and Williams—25.

Leave of absence was granted to Mr. Johnston until Friday next.

On motion of Mr. Curtiss, all further proceedings under the call were dispensed with.

Mr. Knox moved that a message be sent to the House of Representatives, informing that body that the Senate is in session pursuant to adjournment of April 12, 1876, and ready for the transaction of business.

Which was agreed to.

Mr. Stanton offered the following Joint Resolution:

S. J. R. No. 31—Mr. Stanton—*Resolved by the General Assembly of the State of Ohio*, That a committee of two on the part of the Senate, and —— on the part of the House, be appointed to wait upon the Governor and inform him that the General Assembly is now in session, and ready to receive any communication he may have to transmit.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Ross, Curtiss, Haines of Carroll, Haines of Preble, Kent, Kessler, Kleinschmidt, Knox, Miller, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Stanton, Stickney, Stokes, Swan, Warnock and Williams—25.

So the resolution was adopted.

On motion of Mr. Knox, the order of business for to-day was dispensed with.

Mr. Knox offered the following joint resolution:

S. J. R. No. 32—Mr. Knox—*Resolved by the General Assembly of the State of Ohio*, That the Houses of the General Assembly meet in joint convention in the Hall of Representatives on Friday, January 5, at 3:30 o'clock P. M., to witness the counting of the vote for Secretary of State, in accordance with the third section of article third of the Constitution of the State.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Ross, Curtiss, Haines of Carroll, Haines of Preble, Kent, Kessler, Kleinschmidt, Knox, Miller, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Stanton, Stickney, Stokes, Swan, Warnock and Williams—25.

So the resolution was adopted.

Mr. Stickney offered the following resolution which was adopted:

S. R. No. 55—*Resolved*, That the use of the Senate chamber be tendered to the Ohio State Board of Agriculture on to-morrow, Wednesday, 3d inst., for the purpose of holding the State Agricultural convention.

Mr. Andrews offered the following resolution which was adopted:

S. R. No. 56—*Resolved*, That the standing committee on Printing, be directed to investigate the causes that delayed the printing and circulation of laws and resolutions of this General Assembly passed and adopted in the last session; and that the committee be authorized to send for persons and papers to aid in said investigation.

The President announced the resignation of James Morgan, Page, and appointed to the vacancy Carl A. Maxwell.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives is now organized pursuant to adjournment of April 12, 1876, and ready for the transaction of business.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution in which the concurrence of the Senate is requested:

H. J. R. No. 58—Mr. Wiltsee—Providing for a joint select committee consisting of three on the part of the House, and —— on the part of the Senate, to wait on the Governor.

The Speaker has appointed Messrs. Wiltsee, Converse and Messer.

Attest: WM. LEONARD, *Clerk.*

Mr. Stanton moved to insert the word "two" in the blank in said resolution, which was agreed to.

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Ross, Curtiss, Haines of Carroll, Haines of Preble, Kent, Kessler, Kleinschmidt Knox, Miller, Monahan, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Stanton, Stickney, Stokes, Swan, Warnock and Williams—24.

So the resolution was adopted.

The President appointed Messrs. Stanton and Haines, of Preble, as members, on part of the Senate, of said committee.

Mr. Andrews, on leave, introduced the following bill, which was read the first time:

S. B. No. 236—To amend section 1 of an act entitled "An act for the relief of suitors in the Supreme Court."

Mr. Stanton submitted the following report:

The joint committee of the two Houses, appointed to wait upon the Governor and inform him that the Legislature is in session, and ready to receive any communication he may have to make, report that they have performed that duty, and that the Governor will report by message forthwith.

R. Stanton,
A. Haines, Sr.,
Senate Committee.

Geo. L. Converse,
J. C. Messer,
W. T. Wiltsee,
House Committee.

The report was received, and on motion of Mr. Knox, the committee was discharged.

The Governor's annual message was received, read, and on motion of Mr. Knox, referred to a select committee of three.

The President appointed as such committee, Messrs. Knox, Kessler and Stickney.

The following changes in the standing committees were announced by the President:

Mr. Stokes on committee on Currency, vice Jas. W. Owens; on committees on Federal Relations, Reform School, State Buildings and Universities and Colleges, vice P. M. Dechant, deceased; Mr. Owens on committee on Judiciary vice P. M. Dechant, deceased; and Mr. Haines of Carroll, on committee on Finance, vice P. M. Dechant, deceased.

Mr. Beatty offered the following resolution which was adopted:

S. R. No. 57—*Resolved*, That the Ohio State Wool Growers Association be tendered "for this evening," the Senate chamber for the purpose of holding meeting therein.

On motion of Mr. Curtiss, the Senate adjourned until 10 o'clock A. M., Thursday next.

Attest: J. C. Donaldson, *Clerk.*

Thursday, January 4, 1877—10 o'clock A. M

The Senate met pursuant to adjournment.

Prayer by Rev. Edward P. Heberton.

The Journal was read and approved.

Mr. Andrews moved that the Senate rule requiring bills to be printed be suspended, that S. B. No. 236 may be read the second time.

Which was agreed to.

And said bill was read the second time and referred to the committee on Judiciary.

H. B. No. 303—Mr. Fehrenbatch—To create a bureau of statistics of labor, was read the second time and referred to the committee on Manufactures and Commerce.

The following communication was presented by the President and read at the clerk's desk:

ROOMS OF COMMISSION TO REVISE AND CONSOLIDATE THE STATUTES,
COLUMBUS, O., January 2, 1877.

HON. THOS. L. YOUNG, *President of the Senate:*

DEAR SIR: We hand you, herewith, the second report of the commission to revise and consolidate the statutes.

Very respectfully, M. A. DAUGHERTY.

On motion of Mr. Curtiss, said report was laid on the table and ordered to be printed.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 470—Mr. Converse—To facilitate the administration of justice in the third sub-division of the fifth judicial district of the State of Ohio.

H. B. No. 471—Mr. Hitchcock—Prescribing the rate of State taxes and to repeal an act therein named.

H. B. No. 472—Mr. Wiltsee—To provide for the appointment of a comptroller of the treasury, and to repeal certain acts therein named.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives, and read the first time:

H. B. No. 473—Mr. Wiltsee—To authorize compensation to be paid members of boards of equalization and their assistants.

H. B. No. 474—Mr. Goebel—To amend section five hundred and fifty-nine of an act to provide for the organization and government of municipal corporations, passed May 7, 1869—(66 O. L., page 199.)

H. B. No. 475—Mr. Hodge—In relation to the codified ordinances of certain cities—publication unnecessary.

H. B. No. 476—Mr. Hart—To authorize the transfer of certain funds therein named, now in the treasury of the city of Mt. Vernon, Knox county, Ohio.

H. B. No. 477—Mr. Goebel—Regulating the forfeiture of life insurance policies.

H. B. No. 478—Mr. Hostetter—An act supplementary to the act entitled an act to authorize county commissioners to construct roads on a petition of a majority of resident land owners along and adjacent to the line of said road, passed March 29, 1867, and amended by subsequent acts.

H. B. No. 479—Mr. Inman—To authorize the removal of driftwood, timber and other obstructions from the natural channel of streams, and to protect land from overflow.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 32—Mr. Knox—Providing for joint convention to count the vote for Secretary of State.

Attest: WM. LEONARD, *Clerk.*

The following bills were introduced, on leave, and read the first time:

S. B. No. 237—Mr. Hudson—To secure the wages of labor.

S. B. No. 238—Mr. Bates—To create a board of trustees of the sinking fund in cities of the first class, having a population of 180,000 or over.

S. B. No. 239—Mr. Owens—Supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852.

S. B. No. 240—Mr. Beatty—To authorize married women to make a contract separately or jointly with her husband.

On motion of Mr. Burrows, the order whereby the conference committee on S. B. No. 63 was ordered to be reported to-day, was discharged, and the committee were instructed to report at their discretion.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 59—Mr. Raudabaugh—Directing the Auditor of State to defer the sale of lands herein mentioned.

Attest: WM. LEONARD, *Clerk.*

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 32, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stokes, Swan and Williams—32.

So the resolution was adopted.

On motion of Mr. Knox the Senate took a recess.

THREE O'CLOCK P. M.

On motion of Mr. Ransom, the order whereby S. B. No. 142 was made the special order for the committee of the whole for the first Monday in January, 1877, was discharged, and the bill was referred to the committee on Common Schools.

Mr. Lewis moved that S. B. No. 176—To amend section sixty-five of

an act entitled an act to establish a code of criminal procedure for the State of Ohio, passed May 6, 1869—(O. L., vol. 66, p. 287)—be take from the table.

Which was agreed to.

The bill was read the third time.

Mr. Bates moved to postpone the further consideration of said bill until Thursday, January 11.

Which was agreed to.

Mr. Reese moved that H. B. No. 222—To authorize the commissioners of Hocking county to transfer any balance of unexpended money raised for infirmary building purposes to county bridge and poor fund, be taken from the table.

Which was agreed to.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 32, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—32.

The bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 475—Mr. Hodge—In relation to the codification of ordinances of certain cities.

H. B. No. 470—Mr. Converse—To facilitate the administration of justice in the third sub-division of the fifth judicial district of the State of Ohio.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

Mr. Schenck moved that the constitutional rule requiring bills to be read on three different days, (Art. 2, sec. 16, Constitution of Ohio), be dispensed with, that House Bill No. 475 may be read the second time.

On which motion the yeas and nays were taken and resulted—yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Lewis, Miller, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, States, Warnock and Williams—31.

So the rule was suspended.

The bill was read the second time, and referred to the committee on Municipal Corporations.

On motion of Mr. Brown of Lucas, the committee on Fees and Salaries was discharged from the further consideration of H. B. No. 49—To repeal

an act entitled an act fixing the salaries of the several county officers therein named, passed march 29, 1875—(O. L., vol. 72, p. 125.)

Said bill was indefinitely postponed.

The following bill was introduced, on leave, and read the first time:

S. B. No. 241—Mr. Schenck—To amend section one of an act entitled an act to prevent certain offenses therein named, passed February 24, 1876.

On motion of Mr. Burress, the Senate adjourned.

Attest: J. C. DONALDSON *Clerk.*

FRIDAY, JANUARY 5, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. Edward P. Heberton.

The Journal was read and approved.

Mr. Burress presented the petition of Stephen Johnston, a citizen of Miami county, praying for the passage of a bill authorizing the court of Common Pleas of Miami county, to ascertain and fix the amount of compensation for legal services rendered in the trial of Oscar Bigler for murder in first degree.

Which was referred to the committee on Judiciary.

H. B. No. 470—Mr. Converse—To facilitate the administration of justice in the third sub-division of the Fifth Judicial District of the State of Ohio.

Was read the second time and referred to the committee on Judiciary.

S. B. No. 231—Mr. Bates—To authorize free banking.

Was read the first time.

The following bills were introduced on leave, and read the first time:

S. B. No. 242—Mr. Philson—To authorize the creation of a special school district in Clay township, Gallia county, Ohio.

S. B. No. 243—Mr. Stanton—To repeal section 2 of an act entitled an act to fix the rate of legal advertising.

Mr. Schenck submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 475, in relation to the codification of ordinances of certain cities, having had the same under consideration, report it back and recommend its passage.

A. M. BURRNS, E. SCHENCK,
T. P. BROWN, H. KESSLER,
R. E. REESE, JAMES W. OWNES,
WM. MILLER.

The bill was read the third time.

The question being, "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Stanton, Stickney, Stokes, Swan and Williams—31.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested—

H. B. No. 471—Mr. Hitchcock—Prescribing the rate of State taxes and to repeal an act therein named.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution in which the concurrence of the Senate is requested:

H. J. R. No. 60—Mr. Brunner—Providing for an investigation of the cause or causes of the late railroad accident at or near Ashtabula.

Attest: WM. LEONARD, *Clerk.*

Mr. Stanton moved to refer the resolution to the committee on Railroads and Telegraphs.

Which was agreed to.

Mr. Lewis, on leave, offered the following joint resolution:

S. J. R. No. 33—*Resolved by the General Assembly of the State of Ohio*, that the State Commissioner of Railroads and Telegraphs be required to report to this body at his earliest convenience, the date of his last inspection of the bridge recently wrecked at Ashtabula, giving his opinion of its condition at that time, and whether or not it was of sufficient strength to support a double track, and whether or not, in his opinion, it was a bridge safe for the public to travel over.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 32, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Johnston, Kent, Kessler, Kleinschmidt, Lewis, Miller, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Williams—32.

So the resolution was adopted.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following joint resolution:

S. J. R. No. 32—Providing for joint convention to witness the count of the vote for Secretary of State.

C. J. SWAN, ASA TOBEREN,
T. P. BROWN, E. C. LEWIS,
E. L. LYBARGER, THOS. S. LUCCOCK.

Mr. Schenck, on leave, offered the following joint resolution:

S. J. R. No. 34—WHEREAS, on account of certain informalities in advertising, the Attorney General of Ohio does not feel warranted in approving the contract made by the trustees of the Central Insane Asylum for erection and completion of the gas works required and duly authorized for said institution; and

WHEREAS, said contract is, in the judgment of the trustees and of the Attorney General, in all respects the best for the State that the trustees are able to secure. Now, therefore,

Resolved by the General Assembly of the State of Ohio, That the Attorney General is hereby authorized to approve said contract notwithstanding said informality in advertising.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Johnston, Kent, Kessler, Kleinschmidt, Lewis, Miller, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Williams—29.

So the resolution was adopted.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 480—Mr. Bohl—To divide Aurelius township, Washington county, into two election precincts.

H. B. No. 481—Mr. Dirr—To further define the duties of the several county auditors of this State, and to further determine the obligations and duties of the county treasurers.

H. B. No. 482—Mr. Bowen—An act to authorize the commissioners of Athens county to transfer certain funds from the railroad fund to the general fund.

H. B. No. 483—Mr. Nixon—An act to define and suppress tramps.

H. B. No. 484—Mr. Sorter—To prevent the spread of Canada thistles.

H. B. No. 485—Mr. McLain—Making appropriation for deficiencies and partial appropriations for the year 1877.

H. B. No. 486—Mr. Wiltsee—To further define the duties of the several county auditors of the State, and to further determine the obligations and duties of the county treasurers.

H. B. No. 487—Mr. Bogardus—To amend an act "entitled an act to protect certain birds and game, and to protect land owners, and punish trespassing upon improved or inclosed land, and to repeal certain statutes therein named," passed April 11, 1876. O. L., vol. 73, p. 216.

H. B. No. 488—Mr. Oglevee—To amend section one of an act entitled an act for the establishment, support and regulation of children's homes in the several counties, and district children's homes in this State, and to repeal certain acts therein named, passed and took effect March 22, 1876. O. L., vol. 73, p. 64.

Attest: WM. LEONARD, *Clerk.*

On motion of Mr. Kessler, the committee on Municipal Corporations was discharged from the further consideration of S. B. No. 126—Mr. Kessler—Supplementary to an act entitled an act to authorize the issuing of bonds, and to regulate the making of contracts in certain cities, passed April 16, 1874, vol. 71, O. L., pp. 80–81.

The bill was indefinitely postponed.

On motion of Mr. Williams, the Senate took a recess.

THREE O'CLOCK P. M.

Mr. Knox moved that the constitutional rule requiring bills to be read "on three different days" (Art. 2, Sec. 16, Constitution of Ohio,) be dispensed with, that H. B. No. 471 may be read the second time.

On which motion the yeas and nays were taken and resulted (Same Art. and Sec. Constitution,) yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—31.

So the rule was suspended.

The bill was read the second time and referred to the standing committee on Finance.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives, has in the presence of the House, signed the following:

S. J. R. No. 32—Mr. Knox—Providing for joint convention to witness the counting of the vote for Secretary of State.

Attest: WM. LEONARD, *Clerk.*

The President *pro tem.*, in presence of the Senate, signed said resolution.

Mr. Kent, on leave, introduced the following bill which was read the first time:

S. B. No. 244—To authorize the council of the incorporated village of Kent, Ohio, to make a private contract for the construction of additions to a stone bridge proposed to be built by the commissioners of Portage county, Ohio, across the Cuyahoga river in said village, to issue bonds and borrow money and to levy a tax to pay said bonds.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 473—Mr. Wiltsee—To authorize compensation to be paid members of boards of equalization and their assistants.

H. B. No. 482—Mr. Bowen—To authorize the commissioners of Athens county, to transfer certain funds from the railroad fund to the general fund.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

Mr. Bates moved that the constitutional rule requiring bills to be read "on three different days" be dispensed with, that H. B. No. 473 may be read the second time.

On which motion the yeas and nays were taken and resulted—yeas 33, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—33.

So the rule was suspended.

The bill was read the second time and referred to a select committee of four.

The President appointed the Senators from Hamilton county as such committee.

Mr. Stanton, on leave, submitted the following report:

The standing committee on Railroads and Telegraphs, to whom was referred H. J. R. No. 60—Providing for an investigation of the cause or causes of the late railroad accident at or near Ashtabula, having had the same under consideration, report it back without recommendation.

N. R. Burress, John Ault,
J. H. Bates, T. P. Brown,
R. Stanton, M. Kent,
E. T. Stickney.

Mr. Ransom moved to amend the resolution as follows:

Strike out all words between the word "committee" in the second line and the word "to" in the fourth line, and insert, "consisting of the committees on Railroads and Telegraphs of the House and Senate be instructed."

Pending the consideration of which motion, Mr. Stanton moved that the further consideration of said resolution be postponed until Tuesday next.

Which was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives is now ready to receive the Senate and to proceed with the counting of the vote under S. J. R. No. 32.

Attest: Wm. Leonard, *Clerk.*

This being the day and hour appointed by S. J. R. No. 32, for the joint convention of the two Houses to witness the counting of the votes cast for Secretary of State at the October election 1876, the officers and members of the Senate repaired to the Hall of the House of Representatives, and being seated, a call of the Senate was had, and a quorum of the Senators found present.

A call of the House was ordered by the Speaker and a quorum of members answered to their names.

The President of the Senate, in the presence of the joint convention of the two Houses, then proceeded to open and announce the returns of votes cast at the election held in the State of Ohio on the second Tuesday of October, 1876, for Secretary of State.

The canvass having been completed, the President of the Senate announced the result as follows:

For the office of Secretary of State, Milton Barnes has 317,855 votes; Wm. Bell, Jr., has 311,220 votes; E. S. Chapman has 1,803 votes.

Milton Barnes having received the highest number of votes for said office of Secretary of State, of the State of Ohio, was declared by the President of the Senate, duly elected to that office for the constitutional term of two years, commencing on the second Monday of January, A. D. 1877.

The canvass having been completed, the President of the Senate declared the joint convention adjourned *sine die.*

The Senators and officers of the Senate then returned to the Senate chamber.

Mr. Burns moved that the vote whereby the further consideration of H. J. R. No. 60 was postponed, be reconsidered.

Which was agreed to.

On motion of Mr. Reese, the resolution was referred to the committee on Judiciary, with instructions to report Tuesday next.

On motion of Mr. Lewis, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

SATURDAY, JANUARY 6, 1877—10 o'clock, A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. Edward P. Heberton.

The Journal was read and approved.

Mr. Kent, on leave, offered the following resolution:

S. R. No. 58—*Resolved*, That the Senate adjourn on Friday, January 12, 1877, and when it so adjourns, it be until Tuesday following, at 3 o'clock, P. M., and that every three weeks thereafter the adjournment on Friday shall be for the same length of time.

Mr. Stanton moved to amend the resolution as follows:

Strike out "Friday, January 12" and insert "Friday, January 19."

Which was disagreed to.

The resolution was adopted.

Bills were read the second time, as follows:

S. B. No. 231—Mr. Bates—To authorize free banking.

Referred to the committee on Finance.

H. B. No. 482—Mr. Bowen—To authorize the commissioners of Athens county to transfer certain funds from the railroad fund to the general fund.

Mr. Reese moved that the constitutional rule requiring bills to be read on three different days be dispensed with, that said bill may be read the third time.

On which motion the yeas and nays were taken and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Curtiss, Haines of Carroll, Haines of Preble, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Owens, Reese, Rukenbrod, Stanton, Stokes, Swan and Williams—22.

So the motion was lost.

The bill was referred to the committee on Finance.

By request of Mr. Swan, leave of absence was granted Mr. Brown of Lucas, until 3 o'clock P. M., of Tuesday next.

By request of Mr. Curtiss, leave of absence was granted Mr. Kent of Portage, until Friday, January 12.

Mr. Knox offered the following resolution, which was adopted.

S. R. No. 59—*Resolved*, That the Judiciary Committee be directed to inquire as to the necessary legislation required on the reports of the Codifiying Commission, and report the same to the Senate.

Mr. Bates submitted the following report:

The Select Committee of four, to whom was referred H. B. No. 473—To authorize compensation to be paid members of boards of equalization and their assistants, report it back recommending its passage.

J. H. Bates, H. Kessler,
E. F. Kleinschmidt.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Owens, Reese, Rukenbrod, Sheridan, Spangler, Stanton, Stokes, Swan and Williams—24.

The bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The following bills have been introduced into the House of Representatives and read the first time:

H. B. No. 489—Mr. Carson—To amend an act entitled an act to establish a uniform standard of weights and measures, passed March 21, 1873, —(S. & S. p. 926)—passed February 21, 1873—(O. L. vol. 70, p. 39)—and as amended March 10, 1876. (O. L. vol. 73, p. 22.)

H. B. No. 490—Mr. Sellards—To prevent bribery in elections.

H. B. No. 491—Mr. Howland—To amend section fifty-three of the act defining the civil jurisdiction of justices of the peace—(S. & C., p. 780.)

H. B. No. 492—Wr. Wiltsee—To amend section three of an act entitled an act supplementary to an act relating to cities of the first class, having a population exceeding one hundred and fifty thousand inhabitants, passed April 18, 1873—(O. L. vol. 70, p. 139.)

H. B. No. 493—Mr. Kemp—To repeal an act to fix the price of legal advertising, passed March 25, 1876. (O. L. vol. 73, p. 75.)

H. B. No. 494—Mr. Dalzell—Supplementary to an act entitled an act for the maintenance and support of illegitimate children, and to repeal certain acts therein named, passed April 3, 1873. (O. L., vol. 73, p. 111.)

H. B. No. 495—Mr. Richards—To amend section four hundred and forty-one of the civil code. (S. &. C. vol. 2, p. 1079.)

H. B. No. 496—Mr. Sherrick—To provide for the equalization of the valuation of bank shares for taxation, and to repeal an act therein named.

H. B. No. 497—Mr. Cowgill—An act to amend section twenty-eight of an act to more effectually provide for locating, establishing and constructing ditches, drains and water courses in townships, and to repeal certain acts therein named.

H. B. No. 498—Mr. Raudabaugh—To amend section two of an act to authorize and require the board of Public Works to ascertain and locate all lands belonging to the State, which lie at or near the public works of the State, with a proper description of the same, and also providing for the appraisement and sale of the same, passed April 29, 1872.

Attest: WM. LEONARD, *Clerk.*

On motion of Mr. Kessler the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

MONDAY, JANUARY 8, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. Edward P. Heberton.

The Journal was read and approved.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled the following joint resolution:

H. J. R. No. 59—Directing the Auditor of State to defer the sale of certain lands herein mentioned.

E. L. LYBARGER, THOS. S. LUCCOCK,
J. W. WASHBURN, C. J. SWAN,
ASA TOBEREN, H. V. KERR.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following:

H. J. R. No. 59—Mr. Raudabaugh—Directing the Auditor of State to defer the sale of certain lands herein mentioned.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said joint resolution.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 33—Mr. Lewis—Requiring the commissioner of railroads and telegraphs, to report date of last inspection of Ashtabula Bridge, and its condition at the time.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution, and passed the following bills in which the concurrence of the Senate is requested:

H. J. R. No. 62—Mr. McLain—Authorizing the commission to con-

solidate the statutes, to occupy the rooms of the Comptroller Treasury as soon as vacated.

H. B. No. 485—Mr. McLain—Making appropriations for deficiencies and partial appropriations for year 1877.

H. B. No. 446—Mr. Tryon—To empower trustees of townships to purchase stone or gravel necessary for the improvement of public highways.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

H. J. R. No. 62 was referred to the committee on State Buildings.

The following bill was introduced on leave, and read the first time:

S. B. No. 245—Mr. Owens—To amend an act entitled "An act to amend section three of an act prescribing the rate of taxation for county, bridge, road and township purposes," passed May 1, 1871, (O. L., vol. 68, p. 117); and to amend an act entitled "An act prescribing the rate of taxation for county, bridge, road and township purposes," passed April 26, 1872, (O. L., vol. 69, p. 113); passed April 3, 1876, (O. L., vol. 73, p. 149).

Mr. Knox submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 482—Authorizing the Commissioners of Athens county to transfer certain funds from the railroad fund to the general fund—having had the same under consideration, report it back, and recommend its passage.

SAMUEL KNOX, A. R. HAINES,
H. W. CURTISS, R. STANTON,
J. H. BATES, ELIAS ELLIS.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates. Beatty, Brown of Ross, Burrows, Curtiss, Ellis, Haines of Carroll, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Miller, Owens, Philson, Reese, Rukenbrod, Sheridan, Spangler, Stanton, Stokes, Swan and Williams—24.

So the bill passed. The title was agreed to.

By request of Mr. Knox, leave of absence was granted to Mr. Swan until the 19th instant.

Leave of absence was also granted to Messrs. Johnston, Beatty and Stickney until Saturday next.

Mr. Ellis moved that the Senate adjourn.

Which was disagreed to.

On motion of Mr. Stanton, the Senate took a recess.

THREE O'CLOCK P. M.

Mr. Rukenbrod moved that the Senate adjourn.

Which was disagreed to.

On demand of Mr. Ellis, a call of the Senate was had.

Senators answering to their names were—

Messrs. Bates, Beatty, Brown of Ross, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Johnston, Kerr, Kessler, Kleinschmidt,

Knox, Owens, Philson, Ransom, Rukenbrod, Spangler, Stanton, Stokes and Swan—21.

On motion of Mr. Bates, all further proceedings under the call were dispensed with.

Mr. Curtiss, on leave, offered the following resolution.

S. J. R. No. 60—*Resolved*, That the standing committee on Railroads and Telegraphs be instructed to inquire into the authority of this General Assembly to enforce, by legislation, the construction of stone bridges upon the railway lines in this State, and that they be requested to report the result of their deliberations by bill, or otherwise, to the Senate at an early day.

Mr. Stanton moved to amend the resolution as follows:

Strike out the words "Railroads and Telegraphs" and insert the word "Judiciary" in lieu thereof.

Which was agreed to.

The resolution was adopted as amended.

The following bill was introduced, on leave, and read the first time:

S. B. No. 246—Mr. Owens—To exempt personal earnings from application to the payment of debts is certain cases.

On motion of Mr. Johnston, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

TUESDAY, JANUARY 9, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by the Rev. Edward P. Heberton.

The Journal was read and approved.

Mr. Philson presented the petition of E. A. Riggs and twenty-six other citizens of Gallia county, asking for the creation of a Special School District in Clay township, Gallia county, Ohio.

Which was referred to the committee on Common Schools.

Mr. Ransom, on leave, offered the following resolution, which was adopted:

S. R. No. 61—*Resolved*, That a committee of three be appointed to draft and present to the Senate an expression of the superior worth and services of the late Peter M. Dechant, Senator from the Second District, and of the common sorrow of every member which his lamented death has caused.

The President *pro tem.* appointed Messrs. Ransom, Brown of Lucas and Haines of Preble, as such committee.

Bills were read the second time and referred as follows:

S. B. No. 237—To secure the wages of labor.

To the committee on Railroads and Telegraphs.

S. B. No. 238—To create a Board of Trustees of the sinking fund in cities of the first class having a population of 180,000 or over.

To committee on Municipal Corporations.

S. B. No. 239—Supplementary to an act entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852.

To the committee on Judiciary.

S. B. No. 240—To authorize married women to make contracts separately or jointly with their husbands.

To committee on Judiciary.

S. B. No. 241—To amend section one of an act entitled "An act to punish certain offenses therein named, passed February 24, 1876.

To committee on Judiciary.

S. B. No. 242—To authorize the creation of a Special School District in Clay township, Gallia county, Ohio.

To the committee on Common Schools and School Lands.

S. B. No. 243—To repeal section two of an act entitled "An act to fix the rate of legal advertising."

To the committee on Public Printing.

S. B. No. 244—To authorize the Council of the incorporated village of Kent, Ohio, to make a private contract for the construction of additions to stone bridge, proposed to be built by the Commissioners of Portage county, Ohio, across the Cuyahoga river, in said village, to issue bonds and borrow money, and to levy a tax to pay said bonds.

To the committee on Municipal Corporations.

H. B. No. 446—To empower trustees of townships to purchase stone or gravel necessary for the improvement of public highways.

To committee on Roads and Highways.

H. B. No. 485—Making appropriations for deficiencies and partial appropriations for the year 1877.

To the committee on Finance.

The following bills were introduced, on leave, and read the first time:

S. B. No. 247—Mr. Bates—Supplementary to the act relating to cities of the first class, having a population exceeding 150,000 inhabitants, passed May 4, A. D. 1869.

S. B. No. 248—Mr. Warnock—To amend section nine of an act entitled an act supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, passed April 15, 1867, (S. & S., 186), as amended February 25, 1869, (O. L., Vol. 66, p. 14), as amended April 20, 1874, (O. L., Vol. 71, p. 161), as amended April 11, 1876, (O. L., Vol. 73, p. 188).

S. B. No. 249—Mr. Rukenbrod—To amend an act entitled an act to regulate the election of State and county officers, passed May 3, 1852, (S. & C., p. 532), amended April 12, 1870, (O. L., Vol. 67, p. 47).

S. B. No. 250—Mr. Haines of Carroll—To amend section one of an act relating to roads and railways, passed March 29, 1875, (O. L., Vol. 72, page 112).

S. B. No. 251—Mr. Owens—To punish the practice of resorting to distant courts to oppress citizens of Ohio and deprive them of their rights under the statutes of Ohio.

Mr. Bates submitted the following report:

The standing committee on Judiciary, to whom was referred House Joint Resolution No. 60—Providing for an investigation of the cause or causes of the late railroad accident at or near Ashtabula—having had the same under consideration, report it back and recommend its adoption.

J. H. Bates, W. R. Warnock,
A. M. Burns, C. J. Swan,
James W. Owens.

Mr. Swan moved that the blank in said resolution be filled with the word "three."

Which was agreed to.

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 29, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Swan, Warnock and Williams—29.

Those who voted in the negative were–

Messrs. Hudson, Ransom and Stokes—3.

So the resolution was adopted.

On motion of Mr. Brown of Lucas, the Senate took a recess.

THREE O'CLOCK P. M.

Mr. Burrows moved that the vote whereby the adoption of H. J. R. No. 60 was concurred in, be reconsidered.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 8, nays 22, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Bates, Burrows, Hudson, Miller, Ransom, Sheridan and Stokes—8.

Those who voted in the negative were—

Messrs. Andrews, Brown of Lucas, Burns, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Johnston, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Spangler, Stanton, Warnock and Williams—22.

So the motion was disagreed to.

Mr. Knox submitted the following report:

The standing committee on State Buildings, to whom was referred H. J. R. No. 62—Authorizing the commission to consolidate the statutes to occupy the rooms of the Comptroller of the Treasury as soon as vacated—having had the same under consideration, report it back with the following amendments and recommend its passage when so amended:

1st—In line six strike out the word "now" and in its stead insert the word "recently."

2d—Strike out the words "upon the vacation thereof by said Comptroller of the Treasury," at the end of the resolution.

SAMUEL KNOX, EDWIN P. RANSOM,
WM. MILLER, WM. H. STOKES,
C. J. SWAN.

The amendments were agreed to.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stokes, Warnock and Williams—31.

So the resolution was adopted.

Mr. Ransom submitted the following report:

The standing committee on Common Schools, to whom was referred

substitute for H. B. No. 48—To amend section fifty-five of an act entitled an act for the reorganization of Common Schools, passed May 1, 1873, (O. L., Vol. 70, p. 195)—having had the same under consideration, report it back and recommend its indefinite postponement.

E. P. Ransom, S. S. Burrows,
W. R. Warnock, E. T. Stickney,
W. Sheridan, Jr., James W. Owens.

The bill was indefinitely postponed.

Mr. Knox submitted the following report:

The select committee of three, to whom was referred the Governor's annual message, having had the same under consideration, report it back and recommend the adoption of the following resolution:

S. R. No. 62—*Resolved*, That so much of the Governor's annual message as refers to the several funds and to the finances of the State, be referred to the standing committee on Finance; that so much thereof as refers to municipal government, local indebtedness and taxation, be referred to the standing committee on Municipal Corporations; that so much thereof as refers to riots be referred to the standing committee on Military Affairs; that so much thereof as refers to the State Board of Charities and Columbus Hospital for the Insane, be referred to the standing committee on Benevolent Institutions; that so much thereof as refers to the Penitentiary and intermediate prisons, be referred to the standing committee on the Penitentiary; that so much thereof as refers to the Geological Survey be referred to the standing committee on Geological Survey; that so much thereof as refers to the debt of the State Board of Agriculture be referred to the standing committee on Judiciary; that so much thereof as refers to Mines and Mining be referred to the standing committee on Mines and Mining, and that so much thereof as refers to a Registry Law be referred to the standing committee on Privileges and elections.

Samuel Knox,
H. Kessler.

The report was agreed to, and the resolution was adopted.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 489—Mr. Carson—To amend an act entitled "An act to establish a uniform standard of Weights and Measures;" passed March 21, 1863, (S. & S., p. 296); passed February 21, 1873, (O. L., Vol. 70, p. 39), and as amended March 10, 1876, (O. L., Vol. 73, p. 22).

H. B. No. 490—Mr. Sellards—To prevent bribery in elections.

H. B. No. 491—Mr. Howland—To amend section fifty-three (53) of the act defining the civil jurisdiction of Justices of the Peace. (S. & C., 780).

H. B. No. 492—Mr. Wiltsee—To amend section three of an act entitled "An act supplementary to the act relating to cities of the first-class, having a population exceeding one hundred and fifty-thousand inhabitants;" passed April 18, 1873. (O. L., Vol. 70, p. 139).

H. B. No. 493—Mr. Kemp—To repeal "An act to fix the price of legal advertising," passed March 25, 1876, (O. L., Vol. 73, p. 75).

H. B. No. 494—Mr. Dalzell—Supplementary to an act entitled "An act for the maintenance and support of illegitimate children, and to repeal certain acts therein named;" passed April 3, 1873. (O. L., Vol. 70, p. 3).

H. B. No. 495—Mr. Richards—To amend section four hundred and forty-one of the Civil Code. (S. & C., Vol. 2, p. 1079).

H. B. No. 496—Mr. Sherrick—To provide for the equalization of the valuation of bank shares for taxation, and to repeal an act therein named.

H. B. No. 497—Mr. Cowgill—An act to amend section twenty-eight of an act to more effectually provide for locating, establishing and constructing ditches, drains and water courses in townships, and to repeal certain acts therein named.

H. B. No. 498—Mr. Raudabaugh—To amend section two of "An act to authorize and require the Board of Public Works to ascertain and locate all lands belonging to the State, which lie at or near the Public Works of the State, with a proper description of the same, and also providing for the appraisment and sale of the same; passed April 29, 1872.

H. B. No. 499—Mr. Neal—To authorize the city council of the city of Hamilton to transfer certain funds.

H. B. No. 500—Mr. Inman—To authorize the filling of vacancies in the Boards of Trustees in townships.

H. B. No. 501—Mr. Hawley—To amend sections three and four of an act to regulate the sale of Mineral Oils and other substances for illuminating purposes, and to repeal an act entitled "An act to provide for the inspection of Mineral Oils for illuminating purposes;" passed April 16, 1867, (S. & S. 402), and amended April 27, 1872. (Ohio Laws, Vol. 69, p. 161).

H. B. No. 502—Mr. Beach—To amend section three of an act to authorize the Commissioners of the several counties in this State through which the National Road passes, to take under their care and control so much of said road as lies within the limits of such counties respectively; passed April 6, 1876, and took effect may 15, 1876. (O. L., Vol. 73, p. 105).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 189—Mr. Monahan—To amend section forty-eight of the act entitled "An act to establish a code of civil procedure;" passed March 11, 1853, (S. & C., Swan's R. S. 623); passed and took effect April 16, 1867, 64 Vol., Stat. 230. (Swan & Sayler, page 541).

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

Mr. Andrews offered the following resolution:

Senate Joint Resolution No. 35—

Resolved by the General Assembly of the State of Ohio, That the Secretary

of State be required to procure six copies of Walker & Bates' Digest of the reported cases decided by the Supreme Court of Ohio, three copies for the use of each House.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Lucas, Brown of Ross, Burns, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stokes, Swan, Warnock and Williams—27.

So the resolution was adopted.

The President appointed Messrs. Burns, Brown of Lucas, and Haines of Preble as members on part of the Senate of the Joint Committee appointed under H. J. R. No. 60.

Mr. Lewis, on leave, introduced the following bill, which was read the first time:

S. B. No. 252—To authorize the appointment of Commissioners to compile or prepare a book for use in the common schools of the State of Ohio.

On motion of Mr. Curtiss, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

WEDNESDAY, JANUARY 10, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. Edward P. Heberton.

The Journal was read and approved.

H. B. No. 189—To amend section 48 of the act entitled "An act to establish a code of civil procedure," passed March 11, 1853, (S. & C., Swan's R. S. 632); passed and took effect April 16, 1867, 64 vol. stat. 230; (Swan & Sayler, page 541)—was read the second time and referred to the committee on Corporations, other than Municipal.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The Speaker of the House of Representatives has appointed Messrs. Brunner, Wiltsee, Converse, Barrett and Stone, on the part of the House, as members of joint committee under—

H. J. R. No. 60—Mr. Brunner—Providing for an investigation of the cause or causes of the late railroad accident at or near Ashtabula.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has appointed Messrs. Hodge and Meuser, *vice* Howland and Hitchcock resigned, as committee of conference on the part of the House, in matters of difference between the two Houses on—

H. B. No. 247—Mr. Hodge—To extend the charters of societies for savings.

Attest: WM. LEONARD, *Clerk.*

Mr. Bates moved that S. B. No. 95 be taken from the table.

Which was agreed to.

Mr. Kessler moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Strike out in section 4, 9th line, all after the word "act" to include word "five," and in section 8, 8th line, strike out word "franchises" and insert word "fractions."

Which was agreed to.

The President appointed Mr. Kessler as such committee.

On motion of Mr. Hudson, the committee on Insurance was discharged from the further consideration of S. B. No. 8—To amend section 12 of an act to provide for the establishing of an insurance department in the State of Ohio, passed March 12, 1872, (69 O. L., p. 36).

Said bill was indefinitely postponed.

The following bill was introduced, on leave, and read the first time:

S. B. No. 253—Mr. Johnston—Relating to jurors.

On motion of Mr. Owens, the committee on Penitentiary was discharged from the further consideration of S. B. No. 74—To amend sections 7 and 15 of an act entitled "An act to amend an act to amend an act entitled an act to regulate and govern the Ohio penitentiary," passed March 30, 1874, (O. L., vol. 71, pp. 40-41-42).

And the bill was indefinitely postponed.

Mr. Kessler, on leave, submitted the following report:

The select committee of one to whom was referred S. B. No. 95, with instructions to amend, reports the same back, amended as instructed.

H. KESSLER.

The question being "Shall the bill pass?"

On motion of Mr. Kessler, the further consideration of said bill was postponed until 3 o'clock p. m, to-day.

Mr. Ransom, on leave, introduced the following bill which was read the first time:

S. B. No. 254—To authorize the formation of companies for dealing in real estate.

On motion of Mr. Brown of Lucas, the Senate took a recess.

THREE O'CLOCK P. M.

On demand of Mr. Bates, a call of the Senate was had.

Thirty Senators answered to their names.

Senators absent were—

Messrs. Ault, Beatty, Brown of Ross, Kent, Kerr, Reese and Swan—7.

S. B. No. 95—The special order for this hour was taken up and made the special order for 3:30 o'clock p. m. to-day.

Mr Bates presented a notice of the contest of the election of Judson Harman to the office of Judge of the Court of Common Pleas of the first judicial district of Ohio by Joseph Cox.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution in which the concurrence of the Senate is requested:

H. J. R. No. 63—Mr. Richards—Providing for the distribution of the "History of Education in Ohio."

Attest: WM. LEONARD, *Clerk.*

The resolution was referred to the committee on Common Schools.

Mr. Knox submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 485—Making appropriations for deficiencies and partial appropriations for the year 1877—having had the same under consideration, report it back, with following amendments, and recommend its passage when so amended:

1st—After line 71, section 1, insert the following: "For the expenses of the standing and select committees of both branches of the General Assembly, one thousand dollars, to be paid on the order of the chairman of the respective committees and indorsed by the chairman of the committee on Claims of the respective Houses.

For contingent expenses, five hundred dollars.

2d—Strike out lines 21, 22 and 23 in section 2.

SAMUEL KNOX, R. STANTON,
ELIAS ELLIS, J. H. BATES,
JNO. H. HUDSON, H. W. CURTISS,
A. R. HAINES.

The amendments were agreed to.

The bill was laid on the table.

S. B. No. 95, special order for this hour, was taken up for further consideration.

Mr. Andrews moved to refer the bill to a select committee of one, with instructions to amend as follows:

After the word "corporate" in line 3, section 1, insert "for the purpose of leasing or purchasing and management of a railroad owned by a city containing not less than two hundred thousand inhabitants, that has a railroad or railroads to lease or sell, and not for any other purpose."

Which was agreed to.

The President appointed Mr. Andrews as such committee.

Mr. Andrews, on leave, submitted the following report:

The select committee of one to whom was referred Senate Bill No. 95, with instructions to amend, reports the same back amended as instructed.

GEO. W. ANDREWS.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 25, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Ross, Burress, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Warnock and Williams—25.

Those who voted in the negative were—

Messrs. Ault, Monahan and Stokes—3.

So the bill passed. The title was agreed to.

H. B. No. 485 was taken from the table.

Said bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 32, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—32.

So the bill passed. The title was agreed to.

Mr. Bates offered the following resolution:

S. R. No. 63—*Resolved*, That Monday, the 29th day of January be fixed on as the day to hear and determine the contest of Joseph Cox against Judson Harman, for Judge of the Court of Common Pleas of Hamilton county, and that the hearing be continued from day to day until the contest is finally determined, and that notice of such contest shall be served upon said contestee by the Sergeant-at-Arms of this Senate. And that said contestee be allowed to file his answer in writing, which may contain all he desires to show on his part, with the Clerk of the Senate, within fifteen days after the statutory notice shall have been served on him.

Mr. Reese moved to amend the resolution as follows:

Strike out the words "Monday, 29th day of January" and insert "Tuesday, January 30th."

Which was agreed to.

The resolution as amended was adopted.

Mr. Ransom, on leave, offered the following resolution.

S. R. No. 64—*Resolved*, That the Attorney-General be instructed to prepare and submit to this body his written opinion, with all the authorities at his command germain thereto, as to the constitutional right of the Senate of the Ohio Legislature to try a case wherein the election of a judge is contested.

Mr. Monahan moved that the resolution be indefinitely postponed.

Which was agreed to.

The following bills were introduced, on leave, and read the first time:

S. B. No. 255—Mr. Kessler—Supplementary to an act entitled "An act to regulate the election of State and county officers," passed January 3, 1852.

S. B. No. 256—Mr. Lewis—To repeal section two of an act entitled "An act to protect certain birds and game, and to protect land owners, and punish trespassing upon improved or enclosed land, and to repeal certain statutes therein designated," passed and took effect April 20, 1874, (O. L., vol. 71 p. 148).

Mr. Ransom submitted the following report:

The select committee of three, to whom was referred Senate Resolution No. 61—Concerning the death of Peter M. Dechant, State Senator from the second district—having had the same under consideration, report it back and recommend the adoption of the following resolution:

S. R. No. 65—Select Committee of Three—WHEREAS, Peter M. Dechant, late Senator from the second district, was removed from our midst, during the sumer vacation, by death; and,

Whereas, By conscientious, intelligent attention to his duties as a Senator; by his kindly, courtly bearing to his associates, and by his superior talents, he had already attained an enviable standing at home and abroad, and gave promise of a life of the greatest honor and usefulness; now, therefore,

Resolved, That we, his associates in the Senate of the Ohio Legislature, bow in grief to the stroke, which deprives his family of a noble son and brother, the community in which he lived of an esteemed citizen, and the Ohio Senate of one of its most honored and best loved members. And further, that we tender to his family and friends our sincere sympathy in their affliction, and our assurance that his memory is enshrined in our every heart as that of a man who commanded universal respect for his ability, character and attainments; and our sincere affection for himself as a friend and brother Senator.

Resolved, That these resolutions be spread upon the Journal, and a copy thereof duly certified by the Clerk, be forwarded to the family of the late Senator, through the Hon. W. H. Stokes, his successor, who is hereby requested to deliver the same in person.

Edward P. Ransom,
T. P. Brown,
A. Haines, Sr.

On motion of Mr. Ransom, the further consideration of said resolution was postponed until Monday, 22d day of January, at 3 o'clock p. m.

On motion of Mr. Haines of Carroll, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk*.

Thursday, January 11, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer By Rev. E. P. Heberton.

The Journal was read and approved.

Bills were read the second time and referred as follows :

S. B. No. 245—To amend an act entitled an act to amend section three of an act prescribing the rate of taxation for county, bridge, road and township purposes, passed May 1, 1871, (O. L., vol. 68, p. 1171), and to amend an act entitled an act prescribing the rate of taxation for county, bridge, road and township purposes, passed April 26, 1872, (Ohio Laws, volume 69, p. 113,) passed April 3, 1876. (Ohio Laws, volume 73, page 149.)

To committee on Judiciary.

S. B. No. 246—To exempt personal earnings from application to the payment of debts in certain cases.

To committee on Judiciary.

S. B. No. 247—Supplementary to the act relating to cities of the first class, having a population exceeding one hundred and fifty thousand inhabitants, passed May 4, 1869.

To a select committee of four—the Senators from Hamilton county.

S. B. No. 248—To amend section nine of an act entitled an act supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852; passed April 15, 1867; (Swan & Sayler, p. 186,) as amended Feb-

ruary 25, 1869, (Ohio Laws, vol. 66, p. 14,) as amended April 20, 1874, (Ohio Laws, vol. 71, p. 161), as amended April 11, 1876, (Ohio Laws, vol. 73, p. 188.)

To committee on Corporations other than Municipal.

S. B. No. 249—To amend an act entitled an act to regulate the election of State and county officers, passed May 3, 1852, (Swan & Critchfield, page 532,) amended April 12, 1870. (Ohio Laws, vol. 67, p. 47.)

To the committee on Privileges and Elections.

S. B. No. 250—To amend section one of an act relating to roads and railways, passed March 29, 1875. (Ohio Laws, vol. 72, p. 112.)

To the committee on Roads and Highways.

S. B. No. 251—To punish the practice of resorting to distant courts to oppress citizens of Ohio and deprive them of their rights under the statutes of Ohio.

To the committee on Judiciary.

The following bills were introduced, on leave, and read the first time:

S. B. No. 257—Mr. Curtiss—To increase the capacity for gas manufacturing at the Ohio penitentiary, and for other purposes.

S. B. No. 258—Mr. Curtiss—To prevent crime and punish parties for compounding felonies and misdemeanors.

Mr. Burrows submitted the following report:

The Conference Committee to whom was referred the matter of difference between the two Houses on Senate Bill No. 63, having had the same under consideration, report it back with the fellowing recommendation:

That the House recede from its amendments, and in lieu thereof the bill be amended as follows:

First—Strike out in section one, line three, the words "intentionally or carelessly."

Second--In title strike out the words "intentionally or carelessly."

C. S. Cory,
Thos. F. Thresher,
H. C. Dawson,
Committee on the part of the House.

S. S. Burrows,
Geo. W. Andrews,
N. P. Burress,
Committee on the part of the Senate.

The question being on the adoption of said report, the yeas and nays were taken and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Burns, Burrows, Curtiss, Ellis, Haines of Preble, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stickney, Stokes, Warnock and Williams.—26.

The report was adopted.

Mr. Hudson submitted the following report:

The standing committee on Finance to whom was referred S. B. No. 84—Amendatory of and supplementary to an act entitled an act for semi-annual collection of taxes, passed April 12, 1859, (S. & C. p. 1475), and of the amendment to section five of said act, passed February 7, 1861, (S.

& C. p. 779), having had the same under consideration report it back and recommend that it be indefinitely postponed.

SAMUEL KNOX, J. H. BATES,
JNO. H. HUDSON, W. H. STOKES,
H. W. Curtiss, R. STANTON.

The bill was indefinitely postponed.

On motion of Mr. Lewis, the committee on Agriculture was discharged from the further consideration of S. B. No. 46—To transfer the office of gas commissioner to the department of chemistry in the Ohio agricultural college.

The bill was indefinitely postponed.

Mr. Miller, on leave, presented the petition of R. A. Harrison and forty-eight other citizens of the city of Columbus, asking for the passage of House Bill No. 470, to facilitate the administration of justice in the third sub-division of the fifth judicial district of the State of Ohio.

Which was referred to the committee on Judiciary.

Mr. Lewis submitted the following report:

The joint committee on Enrollment, have examined, and found correctly enrolled, the following joint resolution:

S. J. R. No. 33—Requiring the commissioner of railroads and telegraphs to report date of last inspection of Ashtabula bridge and its condition at that time.

E. C. LEWIS, C. J. SWAN,
E. L. LYBARGER, H. V. KERR,
THOS. S. LUCCOCK.

Mr. Monahan offered the following joint resolution:

S. J. R. No. 36—WHEREAS, there is strife and discord existing between employer and employed in and around the coal mines within the State, giving rise to strikes and seriously affecting the successful operations of the mines, as well as disturbing the peace and dignity of the Commonwealth of the State; therefore

Resolved, by the General Assembly of the State of Ohio, That a committee of three on the part of the Senate and ——— of the House, be appointed to investigate and enquire into the causes giving rise to strikes and disturbances, and to escertain what legislation is necessary to secure peace, compensation and fair dealing between all parties concerned; that said committee shall have power to send for papers and persons, or to secure evidence and information in any manner they may deem proper, and report by bill or otherwise to the General Assembly.

Mr. Stanton moved that the resolution be referred to the standing committee on Mines and Mining.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 20, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Preble, Johnston, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Warnock and Williams —20.

Those who voted in the negative were—

Messrs. Andrews, Haines of Carroll, Hudson, Lewis, Miller, Monahan, Owens, Reese and Stokes—9.

So the resolution was referred.

Mr. Monahan offered the following joint resolution:

S. J. R. No. 37—WHEREAS, there is great excitement among the people in regard to the late Presidential election, and

WHEREAS, there is a difference of opinion in Congress and among the people as to who shall count, or how the electoral vote shall be counted, therefore

Be it resolved by the General Assembly of the State of Ohio, That our Representatives in Congress be requested and our Senators instructed, to use their earnest endeavors to provide by law a plan for counting the electoral vote, which by its reasonableness and justice will commend itself to the judgment of the people, and command their acquiescence in the result of the count at the present time, and as a precedent for time to come, and that this should be done at the earliest day consistent with due deliberation, to the end that the disquiet that now pervades the people may be allayed.

Resolved, That the clerk of the Senate be requested to forward to each of our Senators and members of Congress from Ohio, a copy of these resolutions together with the action of the General Assembly thereon.

The resolution was referred to the committee on Federal Relations.

Mr. Reese offered the following resolution, which was adopted:

S. R. No. 66—WHEREAS, the Hon. William A. Wheeler of New York, is in the city, therefore be it

Resolved, That a committee of three be appointed to wait upon and extend to him the courtesies of this Hall and invite his presence.

The President *pro. tem.* appointed Messrs. Reese, Hudson and Warnock as such select committee.

The select committee of three appointed to wait upon Hon. Wm. A. Wheeler, appeared within the bar with the distinguished visitor, who was introduced to the Senate by Mr. Curtiss, President, *pro. tem.*

On motion of Mr. Reese the Senate took a recess of ten minutes to extend to the visitor the courtesies of the Senate.

ELEVEN-FORTY, A. M.

On motion of Mr. Rukenbrod the Senate took a recess.

THREE O'CLOCK, P. M.

Mr. Lewis submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bill:

H. B. No. 473—An act to authorize compensation to be paid to members of boards of equalization and their assistants.

E. C. LEWIS,
C. J. SWAN,
Senate Committee.

ASA TOBEREN,
J. W. WASHBURN,
E. L. LYBARGER,
House Committee.

Mr. Brown of Lucas, moved that the Senate adjourn until 8 o'clock, A. M., to-morrow.

Which was disagreed to.

On motion of Mr. Spangler, S. B. No. 97—To authorize a commission to examine into the nature, cause and treatment of hog cholera, was taken from the table, and the further consideration of said bill was postponed until Thursday, January 25th.

The following bill was introduced, on leave, and read the first time:

S. B. No. 259—Mr. Bates—To amend the act entitled "An act to fix the salaries of certain State officers, and to repeal a certain act therein named," passed January 24, 1867. (S. & S. 695.)

H. B. No. 309—To create a sub-division in Thompson township, Delaware county—was taken from the table.

Said bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Monahan, Owens, Philson, Reese, Schenck, Spangler, Stickney, Stokes, Warnock and Williams—25.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following:

S. J. R. No. 33—Mr. Lewis—Requiring the Commissioner of Railroads and Telegraphs to report date of last inspection of Ashtabula bridge, and its condition at that time.

Attest: WM. LEONARD, *Clerk.*

The President *pro tem.* in presence of the Senate, signed said joint resolution.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bill:

H. B. No. 473—Mr. Wiltsee—To authorize compensation to be paid members of Boards of Equalization and their assistants.

Attest: WM. LEONARD, *Clerk.*

The President *pro tem.* of the Senate, in presence of the Senate, signed said bill.

Mr Burrows moved that it be ordered that when the Senate adjourn to-day it be until 8 o'clock A. M., to-morrow.

Which was agreed to.

Mr. Haines of Carroll offered the following resolution:

S. R. No. 67—*Resolved*, That the standing committee on Roads and Highways be instructed to inquire into the power and expediency of the State Legislature to enforce, by legislation, the construction of stone culverts and stone and wooden bridges instead of iron bridges, over the streams crossing the public highways of this State, and their relative

cost, strength and durability, and that they be instructed to report the result of their deliberations to the Senate as they may see fit.

The resolution was referred to the committee on Roads and Highways.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to H. B. No. 485—Mr. McLain—Making appropriations for deficiencies and partial appropriations for the year A. D. 1877.

Attest: WM. LEONARD, *Clerk.*

Mr. Lewis submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled, the following bill:

H. B. No. 485—Making appropriations for deficiencies, and partial appropriations for the year 1877.

H. V. KERR, E. C. LEWIS,
J. W. WASHBURN, E. L. LYBARGER,
ASA TOBEREN.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed—

H. B. No. 485—Mr. McLain—Making appropriations for deficiencies, and partial appropriations for the year 1877.

Attest: WM. LEONARD, *Clerk.*

The President *pro tem.*, in presence of the Senate, signed said bill.

S. R. No. 67—Was taken from the table and adopted.

Mr. Ransom, on leave, introduced the following bill, which was read the first time:

S. B. No. 260—To amend sections one, two, four, five, seven, eight, nine, ten, eleven, twelve, fourteen, sixteen and seventeen of an act entitled "An act to regulate the Police Force in cities of the first-class, and to repeal an act passed December 18, 1874, entitled 'an act for the better regulation of the Police Force in cities of the first-class having a population of two hundred thousand or over,' and to repeal an act entitled 'an act to establish a Board of Police Commissioners in certain cities of the first-class,'" passed March 29, 1873. (O. L., vol. 72, p. 51); passed March 24, 1876. (O. L., vol. 76, p. 70), and supplementary thereto.

Mr. Ransom submitted the following report;

The standing committee on Common Schools, to whom was referred H. J. R. No. 63—Providing for the distribution of the "History of Education in Ohio"—having had the same under consideration, report it back and recommend its adoption.

EDWARD P. RANSOM, SAMUEL KNOX,
E. T. STICKNEY, JAMES W. OWENS,
S. S. BURROWS, W. R. WARNOCK.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Ross, Burrows, Curtiss, Haines of Carroll, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Stanton, Stickney, Stokes, Warnock and Williams—23.

So the resolution was adopted.

On motion of Mr. Kessler, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

FRIDAY, JANUARY 12, 1877—8 o'clock A. M.

Senate met pursuant to adjournment.

The journal was read and approved.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled, the following Joint Resolution:

H. J. R. No. 60—Providing for an investigation of the cause or causes of the late railroad accident at or near Ashtabula.

E. L. LYBARGER, J. W. WASHBURN,
ASA TOBEREN, THOS. S. LUCCOCK,
H. V. KERR, E. C. LEWIS.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following:

H. J. R. No. 60—Mr. Brunner—Providing for an investigation of the cause or causes of the late railroad accident at or near Ashtabula.

Attest: WM. LEONARD, *Clerk.*

The President *pro tempore,* in presence of the Senate, signed said joint resolution.

The following bill was introduced, on leave, and read the first time:

S. B. No. 261—Mr. Bates—To amend section fourteen of an act entitled "An act providing for the punishment of crimes," passed March 7, 1835, as amended by an act passed February 10, 1872. (69 Ohio Laws, page 10).

On motion of Mr. Bates, the Senate adjourned, and under Senate resolution No. 58, stands adjourned until 3 o'clock P. M. of Tuesday, January 16.

Attest: J. C. DONALDSON, *Clerk.*

TUESDAY, JANUARY 16, 1877—3 o'clock P. M.

The Senate met pursuant to adjournment.

The journal was read and approved.

Mr. Rukenbrod presented the petition of George D. Hunt and thirteen other citizens of Columbiana county, for an amendment to the school

law so as to provide for six directors (two of whom shall be chosen annually), to control and manage schools in townships and boroughs where Union Schools are not established.

Which was referred to the committee on Common Schools.

The following bills were read the second time and referred as follows:

S. B. No. 252—To authorize the appointment of Commissioners to compile or prepare a series of Text or School Books for use in the common schools of the State of Ohio.

Referred to the committee on Common Schools.

S. B. No. 253—Relating to Jurors.

Referred to the committee on Military Affairs.

S. B. No. 254—To authorize the formation of companies for dealing in real estate, &c.

Referred to the committee on Corporations other than Municipal.

S. B. No. 255—Supplementary to an act entitled "An act to regulate the election of State and County officers," passed January 3, 1852.

Referred to the committee on Privileges and Elections.

S. B. No. 256—To repeal section two of an act entitled "An act to protect certain Birds and Game, and to protect land owners and punish trespassing upon improved or enclosed land, and to repeal certain statutes therein designated," passed and took effect April 20, 1874. (O. L., Vol. 71, p. 148).

Referred to the committee on Agriculture.

S. B. No. 257—To increase the capacity for gas manufacturing at the Ohio Penitentiary, and for other purposes.

Referred to the committee on Finance.

S. B. No. 258—To prevent crime and punish parties for compounding felonies and misdemeanors.

Referred to the committee on Judiciary.

S. B. No. 259—To amend the act entitled "An act to fix the salaries of certain State officers, and to repeal a certain act therein named," passed January 24, 1867. (S. & S., 695).

Referred to the committee on Judiciary.

S. B. No. 260—To amend sections one, two, four, five, seven, eight, nine, ten, eleven, twelve, fourteen, sixteen and seventeen of an act entitled "An act to regulate the Police Force in cities of the first-class, and to repeal an act passed December 18, 1874, entitled 'An act for the better regulation of the Police Force in cities of the first-class having a population of two hundred thousand or over,' and to repeal an act entitled 'An act to establish a Board of Police Commissioners in certain cities of the first-class,'" passed March 29, 1873, (O. L., Vol. 72, p. 51); passed March 24, 1876, (O. L., Vol. 76, p. 70), and supplementary thereto.

Referred to the committee on Municipal Corporations.

S. B. No. 261—To amend section fourteen of an act entitled "An act providing for the punishment of crimes," passed March 7, 1835, as amended by an act passed February 10, 1872. (69 Ohio Laws, page 10).

Referred to the committee on Judiciary.

The following bills were introduced, on leave, and read the first time:

S. B. No. 262—Mr. Knox—Fixing the time of holding the District Courts in the several counties in the Eighth Judicial District, for the year 1877.

S. B. No. 263—Mr. Miller—To amend the second section of an act entitled "An act to authorize the Commissioners of the several counties in

this State, through which the National Road passes, to take under their care and control as much of said road as lies within the limits of such counties respectively," passed April 6, 1876, (pp. 105-6, O. L., Vol. 73).

S. B. No. 264—Mr. Beaty—Supplementary to an act passed April 11, 1876, (O. L., Vol. 73, page 169), to amend section seven of an act to authorize the County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act named therein, as passed March 29, 1867.

On motion of Mr. Miller, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

WEDNESDAY, JANUARY 17, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. S. G. Hopkins.

The Journal was read and approved.

Mr. Burrows presented the petition of Solomon Seymour and 351 other citizens of Geneva township, Ashtabula county, asking the privilege of raising, by taxation, a sum not exceeding four mills' valuation on a dollar, for the purpose of completing a soldiers' and sailors' monument in said township.

Which was referred to the committee on Federal Relations.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. J. R. No. 62—Mr. McLain—Authorizing the commission to revise and consolidate the statutes to occupy the rooms of the Comptroller of the Treasury as soon as vacated.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 503—Mr. Fehrenbatch—To insure greater safety in the transportation of passengers on railroads.

H. B. No. 504—Mr. Sellards—To create a Special School District in Porter township, Scioto county, Ohio.

H. B. No. 505—Mr. Dalzell—Supplementary to an act entitled "An act defining the duties of Sheriffs and Coroners in certain cases," passed February 25, 1824, and took effect June 1, 1824, (S. & C., 1397, *et infra*).

H. B. No. 506—Mr. Carothers—To authorize the Board of County Commissioners of Delaware county to accept certain lands herein named, and to levy a tax for the purpose of paying the indebtedness of the Delaware County Agricultural Society.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 507—Mr. Bohl—For the better regulation of Insurance Companies, other than Life and Accident, issuing fire policies.

H. B. No. 508—Mr. Dirr—For the relief of John Focks.

H. B. No. 509—Mr. Beach—To create a Special School District in the township of Stokes, and county of Madison.

H. B. No. 510—Mr. Inman—To aid the Board of Public Works to build a bridge on the Western Reserve and Maumee road. over the Sandusky river.

H. B. No. 511—Mr. Tryon—To authorize the County Commissioners of Lake county to remunerate W. P. Rice for loss sustained by breaking through a bridge.

H. B. No. 512—Mr. Sellards—To secure to laborers their wages.

H. B. No. 513—Mr. Bogardus—To authorize the trustees of the township of New London, in the county of Huron, and State of Ohio, to issue bonds for the payment of its debts incurred in building a town hall.

H. B. No. 514—Mr. Rambo—To authorize the votes of stockholders of certain incorporated companies to be cast by proxy.

H. B. No. 515—Mr. Goebel—To amend section 104 of an act entitled an act to establish a code of criminal procedure for the State of Ohio, passed May 6, 1869, as amended January 5, 1871, as amended February 20, 1874, and to repeal certain acts therein named.

H. B. No. 516—Mr. Entrekin—To authorize the appointment of Commissioners to compile or prepare a series of text or school books, for use in the common schools of the State of Ohio, and for their publication.

H. B. No. 517—Mr. Hawley—To protect roads and highways, and to repeal an act therein named.

H. B. No. 518—Mr. McLain—Prescribing the fees of County Auditors.

H. B. No. 519—Mr. Quinby—An act to amend an act to provide for the semi-annual collection of taxes, (S. & C., p. 1475), and to amend an act to amend section five of an act entitled an act to provide for the semi-annual collection of taxes, (S. & S., p. 779).

H. B. No. 520—Mr. Watson—To authorize the trustees of Bethel township, Monroe county, Ohio, to levy a tax to pay a bounty to a volunteer.

H. B. No. 521—Mr. Wiltsee—For the relief of ex-overseers of the Poor in certain cities of the first class.

H. B. No. 522—Mr. Krimmel—To amend an act to amend section fourteen of an act directing the mode of trial in criminal cases, passed March 7, 1831, as amended by an act passed March 14, 1862, as amended by an act passed February 1, 1864, as amended by the act passed April 18, 1870, as amended by an act passed March 3, 1875.

H. B. No. 523—Mr. Grove—Providing for the erection of railroad depots.

H. B. No. 524—Mr. Dirr—To amend sections 690, 691 and 692 of "An act to provide for the organization of Municipal Corporations, passed May 7, 1869.

H. B. No. 525—Mr. Swaim—To compel the better attendance of witnesses in criminal prosecutions.

H. B. No. 526—Mr. Converse—To amend an act passed March 30, 1875,

(72 O. L., 166), whereby the first section of the act of 1843, (S. & C., 833), to create a lien in favor of mechanics and others, in certain cases was amended and repealed.

H. B. No. 527—Mr. Dalzell—To authorize the creation of a Special School District in the township of Sharon, Noble county, and Center and Manchester townships, Morgan county, Ohio.

H. B. No. 528—Mr. Hitchcock—A bill for the relief of William Hodkinson, treasurer of Parkman township, Geauga county, Ohio.

Attest: WM. LEONARD, *Clerk*.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 529—Mr. Sellards—To amend section one of an act amendatory of an act entitled "An act to provide for the safety of persons attending public assemblies," passed April 13, 1865, amended May 12, 1868, (S. & S., p. 635).

H. B. No. 530—Mr. Barclay—An act to amend section seven of an act to regulate mines and mining, and repeal an act therein named, passed March 21, 1874.

Attest: WM. LEONARD, *Clerk*.

A communication was received by the Clerk from Judson Harmon, contestee for the office of Judge of the Court of Common Pleas for the first Judicial District of the State of Ohio, which, with accompanying motion, was read.

Mr. Andrews moved that said communication be referred to the committee on Judiciary.

Which was disagreed to.

The communication and motion were ordered to be filed with the Clerk.

Mr. Bates submitted the following report:

The standing committee on Judiciary, to whom was referred Senate Bill No. 262—Fixing the time of holding the district court in several counties in the eighth judicial district for 1877—having had the same under consideration, report it back and recommend its passage.

J. H. BATES, G. W. ANDREWS,
JAMES W. OWENS, W. R. WARNOCK,
N. P. BURRESS.

The bill was ordered to be engrossed and read the third time tomorrow.

The following bill was read the second time and referred to the committee on Judiciary:

S. B. No. 262—Fixing the times of holding the district courts in the several counties in the eighth judicial district, for the year 1877.

Mr. Stanton submitted the following report:

The standing committee on Finance, to whom was referred S. B. No. 257—To increase the capacity for gas manufacturing at the Ohio Penitentiary, and for other purposes—having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended.

Strike out all after the word "from," in line six, of section one, and insert "said gas works to State House."

Strike out all of section two and insert the following: "Section 2, There is hereby further appropriated from said fund the sum of twenty-five thousand dollars for the purpose of purchasing material and paying for labor in the construction of new cells in the penitentiary."

Also, add the following: "Section 3, This act shall be in force from and after its passage.

S. KNOX, H. W. CURTISS,
J. H. BATES, JNO. H. HUDSON,
A. R. HAINES, ELIAS ELLIS,
R. STANTON.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time at 3 o'clock P. M. to-day.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 34—Mr. Schenck—Authorizing the Attorney General to approve a certain contract.

Attest: WM. LEONARD, *Clerk.*

On motion of Mr. Curtiss, the Senate took a recess.

THREE O'CLOCK P. M.

Mr. Beaty submitted the following report:

The standing committee on Revision has examined, and found correctly engrossed, Senate Bill No. 257.

WM. W. BEATTY, J. C. SCHENCK,
JAMES W. OWENS.

S. B. No. 257—The special order for this hour, was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stokes and Warnock—28.

So the bill passed.

The title was agreed to after being amended as follows:

Insert, before "to," in the title, the words "appropriating money."

Mr. Rukenbrod offered the following resolution, which was adopted:

S. R. No. 68—WHEREAS, There seems to be unusual and unnecessary delay in the publication of the third volume of Geology, for the completion and printing of which ample appropriation was made March 30, 1875, and

WHEREAS, It was at that time understood that copy for the same was fully prepared and ready for the printer, therefore,

Resolved, That the committee on Geological Survey be instructed to inquire into the present condition and progress of the work, and ascer-

tain whether the fault or dereliction is chargeable to Prof. J. S. Newberry, Chief Geologist, or to other persons or causes.

Resolved, That the committee be further instructed to inquire what means are necessary to procure the speedy publication and distribution of said unfinished volume, or volumes, and report to the Senate.

Mr. Schenck submitted the following report:

The committee of Conference, to whom was referred H. B. No. 247—Mr. Hodge—To extend the charters for societies for savings—having had the same under consideration, report it back and recommend that the Senate recede from its amendments, not agreed to by the House, and that the following sections be agreed to in lieu thereof:

"SECTION 2, That before any dividend or interest on deposits shall be paid, it shall be the duty of such societies to have a surplus fund, equal to and not less than five per centum of the whole amount of deposits; and it is made the duty of such societies to gradually increase such surplus fund to an amount equal to ten per centum of the amount of deposits.

SECTION 3, That it shall be the duty of the President and Treasurer of each and every society to make, during the month of June, annually, in writing, to the Auditor of State, an accurate statement of the financial affairs of said societies, and the Auditor of State shall cause the same to be investigated and examined by two suitable persons, appointed by said Auditor of State, who shall within a reasonable time, report to said Auditor of State the result of said investigation and examination, with such suggestions as to them may seem right and proper.

The report of the President and Treasurer, with the report of the Examiners, or such portion of the same as the Auditor of State may deem advisable, shall be published in some newspaper, printed, and having general circulation within the county as directed by the Auditor of State.

The Auditor of State shall allow said Examiners a reasonable compensation for their services, and such compensation, with the costs of publication, shall be paid by said societies.

SECTION 4, That this act shall take effect from and after its passage.

J. C. SCHENCK,
A. SPANGLER,
J. B. WILLIAMS,
Committee on part of the Senate.

O. J. HODGE,
J. W. MEUSER,
Committee on part of the House.

On motion of Mr. Stanton, the further consideration of said report was postponed until to-morrow.

On motion of Mr. Curtiss, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

THURSDAY, JANUARY 18, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. F. M. Green, of Akron.

The Journal was read and approved.

Mr. Ransom moved that it be ordered that the Senate take a recess at

11 o'clock a. m. to-day to enable several committees to visit the Ohio Agricultural and Mechanical College.

Which was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 531—Mr. Hodge—To further provide for the taking of security by justices of the peace, and ministerial officers.

H. B. No. 532—Mr. Baker of Perry—To amend an act for the relief of Charles W. Morehead and J. M. Braddock, bondsmen of John A. Spencer, late treasurer of the incorporated village of Somerset, Perry county, Ohio, passed March 9, 1876, (O. L., vol. 73, page 260).

H. B. No. 533—Mr. Bogardus—To amend section 3 of an act entitled "An act to exempt the homestead of families from forced sale on execution to pay debts, passed March 23, 1850, (48 vol. stat. 29, S. & C. 1145).

H. B. No. 534—Mr. Dirr—To amend section 2 of an act supplementary to the act passed May 4, 1869, relating to cities of the first-class, having a population exceeding 150,000 inhabitants, passed February 24, 1876, (O. L., vol. 73, page 13).

H. B. No. 535—Mr. Burckhardt—To regulate the protest of negotiable instruments.

H. B. No. 536—Mr. Huberich—To authorize the creation of a special school district in West Toledo, Lucas county, Ohio.

H. B. No. 537—Mr. Money—To further regulate and define an act to preserve the purity of elections, and to repeal a certain act, and sctions of acts relating thereto.

H. B. No. 538—Mr. Stryker—To provide for the relief of the estate of Stephen Mills.

H. B. No. 539—Mr. Howland—To facilitate the trial of certain civil actions.

H. B. No. 540—Mr. Cowgill—To amend section 24 of an act entitled "An act for the relief of the poor, and to repeal certain acts therein named," passed April 12, 1876, (O. L., vol. 73, p. 233).

H. B. No. 541—Mr. Blake—To amend an act passed May 1, 1861 entitled "An act to provide for the creation and regulation of township agricultural societies.

H. B. No. 542—Mr. Lybarger—To authorize the town council of the incorporated village of Coshocton to erect a town hall.

H. B. No. 543—Mr Faxon—To authorize the creation of a special school district in Pittsfield township, Lorain county Ohio.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 440—Mr. Fenton—To incorporate associations for the mutual protection of its members against a loss by fire.

H. B. No. 542—Mr. Lybarger—To authorize the town council of the incorporated village of Coshocton to erect a town hall.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 320—Mr. Nigh—To regulate traffic in the sale or exchange of scrap iron and old metals.

H. B. No. 364—Mr. Flaugher—To authorize the Commissioners of Brown county, Ohio, to build and put in repair a certain free turnpike road named therein.

H. B. No. 439—Mr. Entrekin—To authorize the Commissioners of Ross county to build a bridge across the Scioto river, and to levy a tax for that purpose.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution in which the concurrence of the Senate is requested:

H. J. R. No. 64—Mr. Holloway—Relating to Democrats.

Attest: WM. LEONARD, *Clerk.*

Mr. Curtiss moved that the resolution be referred to the committee on Federal Relations.

Which was agreed to.

Mr. Lewis offered the following resolution, which was adopted.

S. R. No. 69—WHEREAS, It is reported that the trustees of the Athens Hospital for the Insane have appointed to the office of medical superintendent, one Charles D. Wilson, a resident of Indiana, and not an elector of Ohio; and,

WHEREAS, It is reported that at the request of said trustees the Attorney-General of Ohio has given a written opinion that said Wilson is ineligible; therefore,

Resolved, That the standing committee of the Senate on Benevolent Institutions be instructed to examine and report: First, whether said Wilson is eligible under the constitution and laws of the State. Second, whether in his appointment the trustees of said hospital did disregard the opinion of the Attorney-General. Third, what is necessary to be done to prevent such violation of law, and the paying of money upon any requisition of such superintendent.

S. B. No. 263—To amend the second section of an act entitled "An act to authorize the Commissioners of the several counties in this State through which the National Road passes to take under their care and control so much of said road as lies within the limits of such counties

respectively," passed April 6th, 1876, (pp. 105-106 of O. L., vol. 73)—was read the second time and referred to the committee on Public Works.

The hour of 11 o'clock a. m. having arrived, in accordance with the motion of Mr. Ransom, the Senate took a recess.

THREE O'CLOCK P. M.

S. B. No. 264—Supplementary to an act passed April 11, 1876, (O. L., vol. 73, p. 169), to amend section seven of an act to authorize the County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act named therein, as passed March 29, 1867—was read the second time and referred to the committee on Judiciary.

Mr. Beatty submitted the following report:

The standing committee on Revision have examined and found correctly engrossed S. B. No. 262.

WM. W. BEATTY,
J. C. SCHENCK,
H. V. KERR.

S. B. No. 262—Fixing the times for holding the district courts in the several counties in the eighth judicial district, for the year 1877.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Burress, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Schenck, Spangler, Stanton, Stokes and Warnock—22.

The bill passed. The title was agreed to.

Mr. Lewis submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled, the following bills and joint resolutions:

H. B. No. 309—To create a sub-division in Thompson township, Delaware county.

H. B. No. 222—To authorize the Commissioners of Hocking county to transfer any balance of unexpended money raised for infirmary building purposes to county bridge and poor fund.

H. B. No. 475—In relation to the codification of ordinances of certain cities.

H. B. No. 482—To authorize the Commissioners of Athens county to transfer certain funds from the railroad fund to the general fund.

H. J. R. No. 62—Authorizing the commission to consolidate the statutes, to occupy the rooms of the Comptroller of the Treasury as soon as vacated.

H. J. R. No. 63—Providing for the distribution of the History of Education in Ohio.

E. L. LYBARGER, THOS. S. LUCCOCK,
J. W. WASHBURN, E. C. LEWIS,
H. V. KERR.

Mr. Lewis submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled, the following joint resolution.

S. J. R. No. 34—Authorizing the Attorney General to approve certain contracts.

E. C. Lewis, H. V. Kerr,
E. L. Lybarger, Thos. S. Luccock,
J. W. Washburn,

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and joint resolutions:

H. B. No. 309—Mr. Carothers—To create a sub-division in Thompson township, Delaware county.

H. B. No. 222—Mr. Bowen—To authorize the commissioners of Hocking county to transfer any balance of unexpended money raised for infirmary building purposes, to county, bridge and poor funds.

H. B. No. 475—Mr. Hodge—In relation to the codification of ordinances of certain cities.

H. B. No. 482—Mr. Bowen—To authorize the commissioners of Athens county to transfer funds from the railroad fund to the general fund.

H. J. R. No. 62—Mr. McLain—Authorizing the commission to consolidate the statutes, to occupy the rooms of the Comptroller of the Treasury as soon as vacated.

H. J. R. No. 63—Mr. Richards—Providing for the distribution of the "History of Education in Ohio."

S. J. R. No. 34—Mr. Schenck—Authorizing the Attorney General to approve certain contracts.

Attest: Wm. Leonard, *Clerk.*

The President, in presence ot the Senate, signed said bills and joint resolutions.

Mr. Monahan, on leave, introduced the following bill, which was read the first time:

S. B. No. 265—To amend section 94 of an act entitled an act for the assessment and taxation of property, and for levying taxes thereon according to its true value in money, as amended by section 2, April 11, 1865.

On motion of Mr. Schenck, the report of the committee on conference on H. B. No. 247, the special order for to-day, was taken up for further consideration.

On motion of Mr. Burress, the further consideration of said report was postponed until 3 o'clock p. m., to-morrow.

The following bills were introduced on leave, and read the first time:

S. B. No. 266—Mr. Knox—To amend section 2 of an act "to better provide for the organization, regulation and management of hospitals for the insane," passed March 27, 1876. [O. L., vol. 73, p. 81.]

S. B. No. 267—Mr. Monahan—To create two election precincts in Milton township, Jackson county.

S. B. No. 268—Mr. Spangler—To amend section 28 of an act entitled "an act to amend section 28 of an act relating to roads and highways," passed March 9, 1868, (S. & S., p. 668,) amended April 11, 1876, (O. L., vol. 73, p. 185.)

The following communication was received from the Governor and referred to the committee on Benevolent Institutions.

The following message was received from the Governor:

THE STATE OF OHIO, EXECUTIVE DEPARTMENT,

COLUMBUS, 18TH DAY OF JANUARY, 1877.

To the Senate:

I have the honor to nominate, and by and with the advice and consent of the Senate, appoint Dr. Hugh M. Lash, of Athens county, to be trustee of the "Athens hospital for the insane" for the unexpired term of Hon. Eliakin H. Moore, resigned.

Very respectfully,

R. B. HAYES.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 176—Mr. Dempcy—For the protection of boarding house keepers and others.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

Mr. Bates submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 245—To amend an act entitled "an act to amend section three of 'an act prescribing the rate of taxation for county, bridge, road and township purposes,' passed May 1, 1871, O. L., vol. 68, p. 1171), and to amend an act entitled 'an act prescribing the rate of taxation for county, bridge, road and township purposes," passed April 26, 1872, (O. L., vol. 69, p. 113)," passed April 3, 1876. (O. L., vol. 73, p. 149)—Having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

In line 50 after word "or," insert the word "purchase."

J. H. BATES, JAMES W. OWENS,
GEO. W. ANDREWS, N. P. BURRESS,
W. R. WARNOCK.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

On motion of Mr. Ransom, H. B. No. 192, supplementary to an act passed February 18, 1848, entitled an act to amend an act fixing the rate of interest, passed January 12, 1844, (1824), S. & C., p. 744, was taken from the table and ordered to be placed upon the calendar for to-morrow.

On motion of Mr. Haines of Carroll, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

FRIDAY, JANUARY 19, 1877—10 O'CLOCK, A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. S. G. Hopkins.

The Journal was read and approved.

Mr. Stokes presented the petition of J. M. Millikan of Butler county, asking for the appointment of a commission to inquire into the causes which lead to hog cholera.

Which was referred to the committee on Sanitary Laws and Regulations.

Bills were read the second time and referred as follows.

H. B. No. 440—To incorporate an association for the mutual protection of its members against loss by fire.

To the committee on Insurance.

H. B. No. 452—To authorize the town council of the incorporated village of Coshocton to erect a town hall.

To the committee on Corporations other than Municipal.

H. B. No. 320—To regulate the traffic in the sale or exchange of scrap iron and old metals.

To the committee on Manufactures and Commerce.

H. B. No. 364—To authorize the commissioners of Brown county, Ohio, to build and put in repair a certain free turnpike road named therein.

To the committee on Roads and Highways.

H. B. No. 439—To authorize the commissioners of Ross county to build a bridge across the Scioto river, and to levy a tax for that purpose.

To the committee on Roads and Highways.

H. B. No. 176—For the protection of boarding house keepers and others.

To the committee on Manufactures and Commerce.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bill has been introduced into the House of Representatives and read the first time:

H. B. No. 544—Mr. Johnson—For the relief of John Mizer and his sureties.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced into the House of Representatives and read the first time:

H. B. No. 545—Mr. Duncan—To provide for the use of plats, profiles and surveys, in preliminary proceedings, for road improvements.

H. B. No. 546—Mr. Beach—To provide for the better protection of society from small pox.

H. B. No. 547—Mr. Monahan—To amend an act entitled an act to regulate the election of State and county officers, passed May 3, 1852, (S. & C., page 532; 50 vol. stat. 311), and to amend an act entitled an act to preserve the purity of elections, passed March 20, 1841, (S. &. C., page 543; 39 vol. stat. 13), and to further preserve the purity of elections.

H. B. No. 548—Mr. Dow—To amend section eleven of an act entitled an act authorizing and regulating arbitrations, passed February 17, 1831. (S. & C. page 80.)

H. B. No. 549—Mr. Entrekin—To amend section one of an act enti-

tled an act to provide for the execution and supervision of the State printing and binding, passed and took effect March 24, 1860.

H. B. No. 550—Mr. Thresher—To amend section five hundred and ninety-eight of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869.

H. B. No. 551—Mr. Smith of Licking—To authorize the board of public works to build two culverts under the Ohio and Erie canal, in the village of Hebron, Licking county, Ohio.

Attest: WM. LEONARD, *Clerk.*

H. B. No. 192—Supplementary to an act passed Feb. 18, 1848, entitled an act to amend an act fixing the rate of interest, passed January 12, 1844, (Swan & Critchfield, page 744,) was read the third time.

Mr. Bates moved that the further consideration of said bill be postponed until Friday, January 26th.

Which was agreed to.

Mr. Beatty submitted the following report:

The standing committee on Revision have examined and found correctly engossed Senate Bill No. 245.

WM. W. BEATTY, JAMES W. OWENS,
H. V. KERR.

S. B. No. 245—To amend an act entitled an act to amend section three of an act prescribing the rate of taxation for county, bridge, road and township purposes, passed May 1, 1871, (Ohio Laws, volume 68, page 1171), and to amend an act entitled an act prescribing the rate of taxation for county, bridge, road and township purposes, passed April 26, 1872, (Ohio Laws, volume 69, page 113), passed April 3, 1876, (Ohio Laws, volume 73, page 149), was read the third time.

Mr. Kent moved to refer the bill to a select committee of one, with instructions to amend as follows:

Strike out after the word "purposes" in line five, and before the word "as" in line six, the following words: "Or for building any bridges except in cases of casualty."

Also insert in line thirty-nine, between the words "building and commenced" the words "or bridges."

Which was agreed to.

The President, pro. tem., appointed Mr. Kent as such committee.

Mr. Kent, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 245, with instructions to amend, reports the same back amended as instructed.

M. KENT.

Mr. Johnston moved to refer the bill to a select committee of one with instructions to amend as follows:

In line fifty, section one, between the words "costing" and "more" insert the word "jointly."

Which was disagreed to.

On motion of Mr. Andrews the further consideration of said bill was postponed until 3 o'clock P. M. to-day.

On request of Mr. Rukenbrod, leave of absence was granted to the committee on Reform Schools for to-morrow.

On motion of Mr. Stanton the Senate took a recess.

THREE O'CLOCK, P. M.

The report of the committee of conference on H. B. No. 247—To extend the charters of societies for savings, the special order for this hour, was taken up for further consideration.

The question being on the adoption of said report the yeas and nays were taken, and resulted—yeas 21, nays 8, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Burress, Curtiss, Ellis, Hudson, Kent, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Warnock and Williams—21.

Those who voted in the negative were—

Messrs. Andrews, Ault, Haines of Carroll, Johnston, Miller, Monahan, Stanton and Stokes—8.

So the report was adopted.

The title of said bill was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has indefinitely postponed the following bill and joint resolution:

S. B. No. 33—Mr. Kerr—To amend section one hundred and twenty-seven of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869, (O. L., page 171.)

S. J. R. No. 7—Mr. Curtiss—Directing inquiry to be made into the feasibility of making immediate provision for the care of the incurably insane.

Attest: WM. LEONARD, *Clerk.*

S. B. No. 245—To amend an act entitled an act to amend section three of an act prescribing the rate of taxation for county, bridge, road and township purposes, passed May 1, 1871, (O. L. vol. 68, p. 1171), and to amend an act entitled an act prescribing the rate of taxation for county, bridge, road and township purposes, passed April 26, 1872, (O. L., vol. 69, page 113,) passed April 3, 1876, (O. L., vol. 73, p. 149,) was taken up for further consideration.

Mr. Kent moved that the vote whereby the bill was referred to a select of one, with instructions to amend, be reconsidered.

Which was agreed to.

The question being on the reference of said bill to a select committee, Mr. Kent offered the following substitute to said instructions:

Insert in line six, between the words "casualty" and "as" the words "or such bridge or bridges as shall be deemed unsafe for public travel" by the county commissioners.

In line thirty-nine, insert between the words "building" and "commenced" the words "or bridge."

Which was agreed to.

Mr. Kent was appointed such select committee.

Mr. Kent, on leave, submitted the following report:

The select committee of one to whom was referred S. B. No. 245, with instructions to amend, reports the same back amended as instructed.

M. KENT.

Mr. Johnston moved to refer the bill to a select committee of one, with instructions to amend as follows:

Section one, line fifty, strike out the words "or purchase" and insert the word "on" in their stead.

Which was agreed to.

Mr. Johnston was appointed such select committee.

Mr. Johnston, on leave, submitted the following report:

The select committee of one, to whom was referred Senate Bill No. 245, with instructions to amend, reports the same back amended as instructed.

J. R. JOHNSTON.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stokes, Warnock and Williams—28.

The bill passed. The title was agreed to.

By request of Mr. Beatty, leave of absence was granted to E. L. Jones, Sergeant-at-arms, until Monday next.

By request of Mr. Hudson, leave of absence was granted to Senator Monahan until Tuesday next, and by request of Mr. Johnston, to Mr. Swan until Friday next.

S. B. No. 269—Mr. Schenck—To amend section four of an act entitled an act to facilitate the administration of justice in Cuyahoga county, passed March 25, 1875, (O. L. vol. 72, p. 105), was introduced on leave, and read the first time.

Mr. Warnock submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 239—Supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, having had the same under consideration, report it back and recommend its passage.

N. P. BURRESS, JAMES W. OWENS,
J. H. BATES, W. R. WARNOCK,
GEO. W. ANDREWS.

Said bill was ordered to be engrossed and read the third time Monday.

S. B. No. 132—Was taken from the table and ordered to be placed on the calendar for the third reading Wednesday.

On motion of Mr. Burress the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

SATURDAY, JANUARY 20, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. S. G. Hopkins.

The Journal was read and approved.

Mr. Brown, of Ross, submitted the following report:

The standing committee on Roads and Highways, to whom was refer-

red H. B. No. 364—To authorize the Commissioners of Brown county, Ohio, to build and put in repair certain free turnpike roads named therein, having had the same under consideration, report it back and recommend its passage.

A. L. Brown, A. Spangler,
J. B. Williams, A. R. Haines,
W. Sheridan, Jr., J. R. Johnston.

The bill was ordered to be read the third time Wednesday.

Mr. Brown, of Ross, submitted the following report:

The standing committee on Roads and Highways, to whom was referred S. B. No. 127—To authorize Turnpike Companies to surrender turnpike roads to County Commissioners in certain cases, having had the same under consideration, report it back and recommend that it be indefinitely postponed.

A. L. Brown, A. Spangler,
J. B. Williams, A. R. Haines,
W. Sheridan, Jr., J. R. Johnston.

Said bill was indefinitely postponed.

Mr. Brown, of Ross, submitted the following report:

The standing committee on Roads and Highways, to whom was referred H. B. No. 298—To amend section four of an act entitled "An act relating to roads and highways," passed March 9, 1868, (S. & S., p. 662), having had the same under consideration, report it back without recommendation.

A. L. Brown, A. Spangler,
J. B. Williams, A. R. Haines,
W. Sheridan, Jr., J. R. Johnston.

The bill was ordered to be read the third time on Wednesday.

On motion of Mr. Hudson the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

Monday, January 22, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. S. G. Hopkins.

The Journal was read and approved.

Bills were read the second time and referred as follows:

S. B. No. 265—To amend section ninety-four of an act entitled "An act for the assessment and taxation of property, and for levying taxes thereon according to its true value in money," as amended by section two, April 11, 1865.

Referred to the committee on Finance.

S. B. No. 266—To amend section two of "An act to better provide for the organization, regulation and management of hospitals for the insane," passed March 27, 1876. (Ohio Laws, volume 73, page 81).

Referred to the committee on Benevolent Institutions.

S. B. No. 267—To create two election precincts in Milton township, Jackson county.

Referred to the committee on Privileges and Elections.

S. B. No. 268—To amend section twenty-eight of an act entitled "An act to amend section twenty-eight of an act relating to Roads and Highways," passed March 9, 1868, (Swan & Sayler, page 668), as amended April 11, 1876. (Ohio Laws, volume 73, page 185).

Referred to the committee on Roads and Highways.

S. B. No. 269—To amend section four of an act entitled "An act to facilitate the administration of justice in Cuyahoga county," passed March 25, 1875. (O. L., Vol. 72, p. 105).

Referred to the committee on Finance.

Mr. Curtiss moved that the order whereby S. B. No. 132 was ordered to be engrossed and read the third time on Wednesday next, be reconsidered.

Which was agreed to.

On motion of Mr. Curtiss said bill, with pending amendments, was laid on the table.

Mr. Beatty submitted the following report:

The standing committee on Revision have examined and found correctly engrossed S. B. No. 239.

WM. W. BEATTY, J. C. SCHENCK,
JAMES W. OWENS, H. V. KERR.

S. B. No. 239—Supplementary to an act entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Stanton, Stickney, Stokes and Williams—29.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 465—Mr. Entrekin—For the relief of E. J. Nuckolds and sureties, of Paint township, Ross county, Ohio.

H. B. No. 308—Mr. Ullery—To enable Executors and Administrators to obtain funds arising from sale of real estate, on partition, to pay debts.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in the report of

the committee of Conference on matters of difference between the two Houses on—

S. B. No. 63—Mr. Burrows—To restrain the intentional use of poisons.

Attest: WM. LEONARD, *Clerk.*

Mr. Burrows moved that the Senate ask for a third committee of Conference between the two Houses on the matters of difference on S. B. No. 63.

Which was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVRS.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 359—Mr. Wiltsee—To amend an act entitled "An act to provide for the disposition of unclaimed freight and express packages, and to amend an act entitled 'An act providing for the disposition of unclaimed freight and express packages,'" passed April 16, 1867; passed January 26, 1875, (O. L., Vol. 72, p. 17).

H. B. No. 267—Mr. Baker, of Allen—To amend sections four and five of an "act to provide for the creation and regulation of co-operative trade associations in the State of Ohio," passed April 13, 1867.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 260—Mr. Groom—To amend section twelve of an act entitled "An act for the punishment of certain offenses therein named," passed March 8, 1831, and took effect June 1, 1831, (S. & C., 429), and as amended February 21, 1873, (O. L., p. 39).

H. B. No. 476—Mr. Hart—To authorize the transfer of certain funds therein named, now in the treasury of the city of Mt. Vernon, Knox county.

H. B. No. 78—Mr. Richards—To secure to children the benefits of an elementary education.

H. B. No. 528—Mr. Hitchcock—For the relief of William Hodkinson, Treasurer of Parkman township, Geauga county, Ohio.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 544—Mr. Johnson—For the relief of John Mizer and his sureties.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 497—Mr. Cowgill—An act to amend section twenty-eight of "An act to more effectually provide for locating, establishing and constructing ditches, drains and water courses in townships, and to repeal certain acts therein named," passed April 18, 1874. (O. L., Vol. 71, p. 124).

H. B. No. 479—Mr. Inman—To authorize the removal of drift, timber and other obstructions from the natural channel of streams, and to protect land from overflow.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

The following bill was introduced, on leave, and read the first time:

S. B. No. 270—Mr. Johnston—Supplementary to an act entitled "An act to provide for the organization and government of Municipal Corporations," passed May 7, 1869. (O. L., Vol. 66, p. 149).

Mr. Schenck, on leave, presented the memorial of five judges and sixty-seven lawyers of Cuyahoga county, asking for an amendment to the act of March 25, 1875, so as to provide that the Court of Common Pleas in said county shall hold three terms in each year.

Which was referred to the committee on Judiciary.

On motion of Mr. Philson the Senate took a recess.

THREE O'CLOCK P. M.

The President appointed Messrs. Knox, Burress and Johnston as members of the third Committee of Conference on S. B. No. 63.

S. R. No. 65—Relative to the death of Hon. Peter M. Dechant, the special order for this hour, was taken up for further consideration.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 33, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—33.

So the resolution was adopted.

Mr. Knox moved that out of respect to the memory of the late Senator, the Senate adjourn.

Which was agreed to.

Attest: J. C. DONALDSON, *Clerk.*

TUESDAY, JANUARY 23, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by the Rev. S. G. Hopkins.

The Journal was read and approved.

On demand of Mr. Johnston, a call of the Senate was had.

Senators absent were—

Messrs. Brown of Lucas, Monahan, Philson, Reese, Sheridan and Swan.

Leave of absence was granted Mr. Philson.

On motion of Mr. Ransom, all further proceedings under the call, were dispensed with.

By request of Mr. Andrews, indefinite leave of absence was granted to Mr. Monahan.

Bills were read the second time and referred as follows:

H. B. No. 465—For the relief of E. J. Nuckolds, treasurer of Paint township, Ross county, Ohio.

To the committee on Finance.

H. B. No. 308—To enable executors and administrators to obtain funds arising from sale of real estate on partition to pay debts.

To the committee on Judiciary.

H. B. No. 359—To amend an act entitled an act to provide for the disposition of unclaimed freight and express packages, and to amend an act entitled an act providing for the disposition of unclaimed freight and express packages, passed April 16, 1867, passed January 26, 1875. (O. L., vol. 72, p. 17.)

To the committee on Railroads and Telegraphs.

H. B. No. 267—To amend sections 4 and 5 of an act to provide for the creation and regulation of co-operative trade associations in the State of Ohio, passed April 13, 1867.

To the committee on Corporations other than Municipal.

H. B. No. 260—To amend section 12 of an act entitled an act for the punishment of certain offenses therein named, passed March 8, 1831, and took effect June 1, 1831, (Swan & Critchfield, page 429,) and as amended February 21, 1873. (Ohio Laws, page 39.)

To the committee on Judiciary.

H. B. No. 78—To secure to children the benefits of an elementary education.

To the committee on Common Schools.

H. B. No. 528—For the relief of William Hodkinson, treasurer of Parkman township, Geauga county, Ohio.

To the committee on Finance.

H. B. No. 544—For the relief of John Mizer and his sureties.

To the committee on Municipal Corporations.

H. B. No. 497—To amend section 28 of an act to more effectually provide for locating, establishing, and constructing ditches, drains, and water courses in townships, and to repeal certain acts therein named.

To the committee on Judiciary.

H. B. No. 479—To authorize the removal of drift timber and other obstructions from the natural channel of streams, and to protect lands from overflow.

To the committee on Agriculture.

H. B. No. 476—To authorize the transfer of certain funds therein

named, now in the treasury of the city of Mt. Vernon, Knox county, Ohio.

Was read the second time.

Mr. Ault moved that the constitutional rule requiring bills to be read "on three different days" be dispensed with and said bill be read the third time.

On which motion the yeas and nays were taken and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burress, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Warnock and Williams—29.

So the rule was dispensed with.

Said bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 29, nays none as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burress, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Warnock and Williams—29.

The bill passed. The title was agreed to.

Mr. Brown of Ross, submitted the following report:

The standing committee on Agriculture, to whom was referred S. B. No. 256—To repeal section 2 of an act entitled "an act to protect certain birds and game, and to protect land owners, and to punish tresspassing upon improved or enclosed lands, and to repeal certain sections therein designated," passed and took effect April 20, 1874, (O. L., vol. 71, p. 1481,) having had the same under consideration, report it back without recommendation.

A. L. Brown, H. Kessler,
A. Spangler, Elias Ellis,
E. T. Stickney, A. R. Haines.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Bates submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 246—To exempt personal earnings from application to the payment of debts in certain cases, having had the same under consideration, report it back and recommend its passage.

W. R. Warnock, J. H. Bates,
A. M. Burns, Jas. W. Owens,
Geo. W. Andrews, N. P. Burress.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Burress submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 261—To amend section 14 of an act entitled "An act providing for the punishment of crimes," passed March 7, 1835, as amended by act passed February 10, 1872. (69 Ohio Laws, page 10)—Having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

After the words "dwelling house" in the fourth line, insert the words, "inn, tavern or hotel."

J. H. Bates, A. M. Burns,
W. R. Warnock, Geo. W. Andrews,
James W. Owens, N. P. Burress.

The bill was ordered to be engrossed and read the third time to-morrow.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of

S. B. No. 262—Mr. Knox—Fixing the time for holding the district courts in the several counties of the Eighth Judicial District for the year 1877.

Attest: Wm. Leonard, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time.

H. B. No. 552—Mr. Millikan—To amend sections 14 and 35 of an act for the relief of the poor and to repeal certain acts therein named.

H. B. No. 553—Mr. Burkhardt—To fix the price of legal advertising by sheriffs in counties having a population exceeding two hundred thousand inhabitants, and to authorize the parties to suits to designate in what paper of general circulation in such counties legal advertisements for the sale of real or personal property upon execution or upon order of sale, shall be published.

H. B. No. 554—Mr. Hodge—Supplementary to the act for the establishment, support and regulation of children's homes in the several counties and children's home districts in this State, and to repeal certain acts therein named, passed March 22, 1876.

H. B. No. 555—Mr. Faxon—To authorize the transfer of certain funds of the village of Oberlin.

H. B. No. 556—Mr. Wiltsee—To amend section 598 of an act entitled "an act to provide for the organization and government of municipal corporations," passed May 7, 1869, as amended March 30, 1875. (72 Laws, p. 164.)

Attest: Wm. Leonard, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 557—Mr. Barrett—For the prevention and cure of diseased animals.

H. B. No. 558—Mr. Breck—To authorize the creation of a special school district in East Cleveland township, Cuyahoga county, Ohio.

H. B. No. 559—Mr. Hostetter—To improve State road in Miami county, Ohio.

H. B. No. 560—Mr. Wiltsee—To create a special school district in Sycamore township, Hamilton county, Ohio.

H. B. No. 561—Mr. Dalzell—To authorize the commissioners of Noble county to transfer money from the bounty and relief funds of said county to other funds of said county.

H. B. No. 562—Mr. Bohl—To amend an act entitled "an act to amend an act to establish a code of civil procedure," passed March 11, 1853, passed April 3, 1867, (S. & S., p. 582,) passed March 28, 1876. (73 O. L., 100.)

H. B. No. 563—Mr. Faxon—To amend sections 1 and 3, and to repeal section 2 of an act, to fix the price of legal advertising, passed March 25, 1876, (vol. 73, p. 75.)

H. B. No. 564—Mr. Sherrick—To provide for obtaining a site and the erection of a Penitentiary thereon.

H. B. No. 565—Mr. Neal—To authorize the Auditor of Butler county, Ohio, to pay a claim named therein.

H. B. No. 566—Mr. Sage—Supplementary to "an act to provide for the straightening, cleaning out, widening, deepening and otherwise improving certain ditches, drains and water-courses, in Wood county, Ohio," passed April 11, 1876.

H. B. No. 567—Mr. Sellards—To amend sectien two of an act entitled "An act to authorize the Commissioners of Scioto county to borrow money on the bonds of the county to discharge the existing liabilities of said county, now in the shape of turnpike floating orders.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 245—Mr. Owens—To amend an act entitled "An act to amend section three of an act prescribing the rate of taxation for county, bridge, road and township purposes," passed May 1, 1871, (O. L., vol. 68, p. 1171), and to amend an act entitled "An act prescribing the rate of taxation for county, bridge, road and township purposes," passed April 26, 1872, (O. L., vol. 69, p. 113), passed April 3d, 1876, (O. L., vol. 73, p. 149).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 425—Mr. Bohl—To authorize the Auditor of Washington county to refund taxes erroneously paid by F. Boye.

H. B. No. 532—Mr. Baker of Perry—To amend an act for the relief of Chas. W. Morehead and J. M. Braddock, bondsmen of John A. Spencer, late treasurer of the incorporated village of Somerset, Perry county, Ohio, passed March 9, 1876, (O. L., vol. 73, p. 260).

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution in which the concurrence of the Senate is requested:

H. J. R. No. 75—Mr. Dalzell—Giving the Adjutant-General care and control of the flag room, flags and other relics deposited therein.

Attest: WM. LEONARD, *Clerk.*

Said resolution was referred to the committee on Military Affairs.

Mr. Monahan asked leave to record his vote on the adoption of S. R. No. 65—Relative to the death of Hon. P. M. Dechant.

Which was agreed to.

His name being called, he voted in the affirmative.

Mr. Brown of Ross presented the petition of J. C. Pricer, J. M. Dwyer, Andrew Taylor and 200 other citizens of Paint township, Ross county, for the relief of E. J. Nuckolds.

Which was referred to the committee on Finance.

Mr. Andrews offered the following joint resolution:

S. J. R. No. 38—WHEREAS, In existing difficulties as to the count of votes lately cast for President and Vice-President of the United States, we know of no better plan than is probably attainable to dispose of their difficulties, than the one proposed by the joint select committee of Congress, lately reported therein, providing for a commission consisting of an equal number of members of each branch of the Congress and Justices of the Federal Supreme Court, to which shall be referred all questions of difference that may arise on the count of the votes aforesaid, for council and advice; therefore,

Resolved by the General Assembly of the State of Ohio, That our Senators in Congress be instructed, and our Representatives requested to vote for a bill embodying the features in this preamble expressed.

Resolved, That the President of the Senate cause to be sent to each Senator and Representative in Congress from Ohio, a copy of this preamble and these resolutions.

The resolution was referred to the committee on Federal Relations.

Mr. Burns submitted the following report:

The standing committee on Military Affairs, to whom was referred H. J. R. No. 75—having had the same under consideration, report it back and recommend its passage.

A. M. BURNS,	ELIAS ELLIS,
GEO. W. ANDREWS,	J. H. BATES,
A. L. BROWN,	E. C. LEWIS,

On motion of Mr. Knox, the resolution was laid upon the table.

On motion of Mr. Curtiss, the Senate took a recess.

THREE O'CLOCK P. M.

By request of Mr. Curtiss, leave of absence was granted to the Committee on Benevolent Institutions.

Mr. Bates submitted the following report:

The select committee of four, to whom was referred S. B. No. 247—Supplementary to the act relating to cities of the first-class, having a population exceeding 150,000 inhabitants, passed May 4, 1869—having

had the same under consideration, report it back, with following amendments, and recommend its passage when so amended:

In first section, eighth line, at end, add "before making any contract for completing and leasing the whole line of such railway, said Trustees shall advertise for 90 days in at least two newspapers published in, and of general circulation in, each of the cities of Boston, New York, Philadelphia, Baltimore and Cincinnati, for proposals for completing and leasing the whole line of said railway. Provided, further, that said Trustees may operate so much of said railway as is completed, or any part or parts thereof, until such contract is entered into, and may lease rolling stock for that purpose."

J. H. Bates, E. F. Kleinschmidt,
H. Kessler, E. P. Ransom.

Said amendment was agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Burrows, on leave, introduced the following bill, which was read the first time:

S. B. No. 271—To authorize the Trustees of Geneva township, Ashtabula county, to levy a tax and issue bonds for certain purposes therein named.

Mr. Johnston submitted the following report:

The standing committee on Privileges and Elections, to whom was referred S. B. No. 249—To amend an act entitled "An act to regulate the election of State and county officers," passed May 3, 1852, (S. & C. p. 532), as amended April 12, 1870, (O. L., vol. 67, p. 47)—having had the same under consideration, report it back with the following amendments, and recommend its passage when so amended:

1st—In line 10, of section 1, after the word "thereto," insert the following, "except in cases where the minority will be represented in said board by the result of such election."

2d—Strike out all of section 2 and insert in lieu thereof the following: "Section 2. That section 7 of said act be amended so as to read as follows: "Section 7. That if either of the judges of the election, or clerk of any township shall fail to attend at the time and place of holding elections, or if either of them shall be a candidate for State or county office, then it shall be the duty of the electors present to chose, viva voce, a suitable person or persons, as the case may require, having the qualifications of an elector to act as judges or clerks of said election; and in the selection of such person or persons to act as judges of election, the same limitations and restrictions shall be observed, as are prescribed in section 6 of this act, so that the minority shall, in all cases, have a representation in said board; and, previous to any votes being received, such judge or clerk, or any judge or clerk not being already duly sworn, and qualified according to law, shall take an oath or affirmation, which may be administered by any trustee or clerk of a township, or councilman, or other person authorized to administer oaths, in the following form: 'You, A B, do solemnly swear, (or affirm), that you will perform the duties of judge or clerk of the election (as the case may be) according to law, and the best of your ability; and that you will studiously endeavor to prevent fraud, deceit or abuse, in conducting the same?' "

3d—Strike out all of section 3 and insert in its stead the following:

"Section 3. That sections 6 and 7 of the above recited act be, and the same are hereby repealed."

4th—Add the following: "Section 4. That this act shall take effect and be in force from and after its passage."

J. H. Bates, H. Kessler,
J. R. Johnston, M. Kent,
J. B. Williams.

Said amendments were agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Kleinschmidt submitted the following report:

The standing committee on Manufactures and Commerce, to whom was referred H. B. No. 176—For the protection of boarding house keepers and others—having had the same under consideration, report it back and recommend its passage.

E. F. Kleinschmidt, Jno. H. Hudson,
H. W. Curtiss, M. Kent,
I. T. Monahan, Wm. W. Beatty.

The bill was ordered to be read the third time to-morrow.

Mr. Kleinschmidt submitted the following report:

The standing committee on Manufactures and Commerce, to whom was referred H. B. No. 320—To regulate the traffic in the sale or exchange of scrap iron and old metals—having had the same under consideration, report it back and recommend its passage.

E. F. Kleinschmidt, Jno. H. Hudson,
H. W. Curtiss, M. Kent,
I. T. Monahan, Wm. W. Beatty.

The bill was ordered to be read the third time to-morrow.

Mr. Warnock submitted the following report:

The standing committee on Corporations other than Municipal, to whom was referred H. B. No. 542—To authorize the town council of the incorporated village of Coshocton to erect a town hall—having had the same under consideration, report it back and recommend its passage.

W. R. Warnock, Wm. W. Beatty,
Geo. W. Andrews, J. R. Johnston.

The bill was ordered to be read the third time to-morrow.

Mr. Bates presented the remonstrance of D. L. Bishop, and many other citizens of Clermont, Brown and Adams counties, against the passage of a law creating an extra judge in the fifth judicial district.

Which was referred to the committee on Judiciary.

Mr. Williams submitted the following report:

The standing committee on Privileges and Elections, to whom was referred S. B. No. 267—To create two election precincts in Milton township, Jackson county—having had the same under consideration, report it back and recommend its passage.

J. B. Williams, J. R. Johnston,
J. H. Bates, H. Kessler,
M. Kent.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 22, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Miller, Monahan, Owens, Spangler, Stanton, Stokes and Williams —22.

Mr. Warnock voted in the negative—1.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution in which the concurrence of the Senate is requested:

H. J. R. No. 66—Mr. Millikan—Providing for the printing of additional copies of the Secretary of State's Report for distribution among the members.

Attest: WM. LEONARD, *Clerk.*

Said resolution was referred to the standing committee on Printing.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested—

H. B. No. 491—Mr. Howland—To amend section fifty-three of the act defining the civil jurisdiction of Justices of the Peace. (S. & C., 780.)

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 334—Mr. McLain—Supplementary to the act entitled "An act regulating descents and the distribution of personal estates," passed March 14, 1853, (S. & C., 501,) and to the various acts amendatory thereof.

H. B. No. 394—Mr. Barrett—To provide for the procurement of additional lands for cemetery purposes.

H. B. No. 206—Mr. Money—To provide for the incorporation of Mechanics' Associations.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

The following communication was received from the Governor:

MESSAGE FROM THE GOVERNOR.

THE STATE OF OHIO, EXECUTIVE DEPARTMENT.

COLUMBUS, 22ND DAY OF JANUARY, 1877.

To the Senate:

I have the honor to nominate, and by and with the advice and consent

of the Senate, appoint Hon. William W. Johnson, of Lawrence county, to be Trustee of the Ohio University, of Athens, Ohio.

Very respectfully,

R. B. HAYES, *Governor.*

Referred to the committee on Universities and Colleges.

Mr. Ault moved that the Senate adjourn.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 4, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Haines of Carroll, Johnston and Williams—4.

Those who voted in the negative were—

Messrs. Andrews, Bates, Beatty, Brown of Ross, Burrows, Curtiss, Ellis, Hudson, Kent. Kessler, Kleinschmidt, Knox, Miller, Monahan, Owens, Spangler, Stanton, Stokes and Warnock—19.

So the motion was disagreed to.

On motion of Mr. Beatty, S. B. No. 16 was taken from the table.

The bill was made the special order for Tuesday, January 30.

On demand of Mr. Kleinschmidt, a call of the Senate was had.

Twenty-four Senators answered to their names.

Senators absent were—

Messrs. Brown of Lucas, Burns, Burress, Haines of Preble, Kerr, Lewis, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan. Stickney and Swan.

The Sergeant-at-Arms was dispatched for absentees.

Leave of absence was granted Messrs Haines of Preble and Reese.

Mr Burress appeared within the bar and answered to his name.

Mr. Johnston moved that all further proceedings under the call be dispensed with.

Which was agreed to.

Mr. Burns appeared within the bar and answered to his name.

All further proceedings under the call were dispensed with.

Mr. Knox moved that the vote whereby indefinite leave of absence was granted to the Senator from Jackson, Mr. Monahan, be rescinded, he being in attendance.

On which motion the yeas and nays were taken, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kessler, Kleinschmidt, Knox, Miller, Monahan, Owens, Spangler, Stanton, Stokes, Warnock and Williams—21.

So the motion was agreed to.

On leave of the Senate, the request for said leave of absence was withdrawn.

On motion of Mr. Kessler the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

WEDNESDAY, JANUARY 24, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. S. G. Hopkins.

The Journal was read and approved.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives accedes to the request of the Senate for the appointment of the third committee of conference on matters of difference between the two Houses on—

S. B. No. 63—Mr. Burrows—To restrain the intentional or careless use of poisons.

The Speaker appointed Messrs. Holloway, Entrekin and Williams, on the part of the House.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 524—Mr. Dirr—To amend sections six hundred and ninety, six hundred and ninety-one and six hundred and ninety-two, of an act to provide for the organization and government of municipal corporations, passed May 7, 1869.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time:

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 35—Mr. Andrews—Requiring the Secretary of State to procure copies of Walker & Bates' Digest for the use of the General Assembly, with the following amendment, in which the concurrence of the Senate is requested:

Insert at the end thereof the following:

The Sergeant-at-arms at the close of each session, shall deliver said books to the law librarian, who shall receive them and they shall be and remain under his control at all times when the Legislature is not in session.

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendment, the yeas and nays were taken, and resulted—yeas 33, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt Knox, Lewis, Miller, ,Monahan, Owens, , Philson, Ransom, Rukenbrod, Schenck, Spangler Stanton, Stickney, Stokes, Warnock and Williams—33.

So the amendment was concurred in.

Mr. Brown of Ross, presented the petition of S. N. Higbey and ninety-eight other citizens of Ross county, asking for the passage of a law to authorize the commissioners of Ross county to build a bridge across the Scioto river, at or near the Guard Locks, in Franklin township.

Which was referred to the committee on Roads and Highways.

Bills were read the second time, and referred as follows:

H. B. No. 425—To authorize the auditor of Washington county to refund taxes erroneously paid by F. Boye.

To the committee on Finance.

H. B. No. 532—To amend an act for the relief Chas. W. Morehead and J. M. Braddock, bondsmen of John A. Spencer, late taeasurer of the incorporated village of Somerset, Perry county, Ohio, passed March 9, 1876, (O. L., vol. 73, p. 260.)

To the committee on Finance.

H. B. No. 491—To amend section fifty-three of the act defining the civil jurisdiction of justices of the peace. (S. & C. p. 780.)

To the committee on Judiciary.

H. B. No. 334—Supplementary to the act entitled an act regulating descents and the distribution of personal estates, passed March 14, 1853, (S. & C. p. 501), and to the various acts amendatory thereof.

To the committee on Judiciary.

H. B. No. 394—To provide for the procurement of additional lands for cemetery purposes.

To the committee on Corporations other than Municipal.

H. B. No. 206—To provide for the incorporation of mechanics' associations.

To the committee on Corporations other than Municipal.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed Senate Bills Nos. 256, 267, 246, 261, 247 and 249.

Wm. W. Beatty, Jas. W. Owens,
H. V. Kerr.

S. B. No. 256—To repeal section two of an act entitled an act to protect certain birds and game, and to protect land owners, and punish trespassing upon improved or enclosed land, and to repeal certain statutes therein designated, passed and took effect April 20, 1874, (O. L., vol. 71, page 148,) was read the third time.

Mr. Lewis moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In line five, strike out the second word "fifteenth" and insert in lieu thereof "first day," so that line five will read as follows:

Wild turkey between the fifteenth day of January and the first day of November.

Which was agreed to.

Mr. Lewis was appointed as such select committee.

Mr. Lewis, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 256, with instructions to amend, reports the same back amended as instructed.

E. C. Lewis.

On motion of Mr. Lewis, the further consideration of said bill was postponed until 11 o'clock, A. M. to-morrow, and made the special order for that hour.

S. B. No. 246—To exempt personal earnings from application to the payment of debts in certain cases, was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 30, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Stickney, Stokes, Warnock and Williams—30.

Those who voted in the negative were—

Messrs. Burrows and Spangler—2.

The bill passed. The title was agreed to.

S. B. No. 261—To amend section fourteen of an act entitled an act providing for the punishment of crimes, passed March 7, 1835, as amended by an act passed February 10, 1872, (69 O. L., p. 10,) was read the third time.

Mr. Burns moved to refer the bill to a select committee of one, with instructions to amend as follows:

In section one, line four, between the words "hotel" and "kitchen" insert the words "or any room thereof."

Which was agreed to.

Mr. Burns was appointed such select committee.

Mr. Burns, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 261, with instructions to amend, reports the same back amended as instructed.

A. M. Burns.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll. Haines of Preble, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Owens, Philson, Rukenbrod, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—29.

The bill passed. The title was agreed to.

S. B. No. 247—Supplementary to the act relating to cities of the first class, having a population exceeding one hundred and fifty thousand inhabitants, passed May 4, 1869, was read the third time.

The question being, "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 26, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Rukenbrod, Spangler, Stickney, Stokes, Warnock and Williams—26.

Mr. Monahan voted in the negative—1.

The bill passed. The title was agreed to.

S. B. No. 249—To amend an act entitled an act to regulate the election of State and county officers, passed May 3, 1852, (Swan & Critchfield, page 532), amended April 12, 1870, (Ohio Laws, volume 67, page 47), was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—31.

So the bill passed. The title was agreed to.

H. B. No. 364—To authorize the commissioners of Brown county, Ohio, to build and put in repair a certain free turnpike road named therein, was read the third time.

On motion of Mr. Brown of Lucas, the Senate took a recess.

THREE O'CLOCK P. M.

The question being on the passage of H. B. No. 364, the yeas and nays were taken and resulted—yeas 25, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Monahan Owens, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stickney, Stokes, Swan Williams—25.

Those who voted in the negative were—

Messrs. Burns, Burrows, Haines of Preble, Knox, Philson, Stanton and Warnock—7.

The bill passed. The title was agreed to.

H. B. No. 298—To amend section four of an act entitled an act relating to roads and highways, passed March 9, 1868, (S. & S. p. 662,) was read the third time.

Mr. Haines of Carroll, moved to lay the bill on the table.

Which was agreed to.

H. B. No. 176—For the protection of boarding house keepers and others, was read the third time.

Mr. Bates moved to refer the bill to a select committee of one, with instructions to amend as follows:

In section one, line four, insert the word "married" after the word "any," and strike out in fifth line, "who are married."

Which was agreed to.

Mr. Bates was appointed such select committee.

Mr. Bates, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 176, with instructions to amend, reports the same back amended as instructed.

J. H. Bates.

Mr. Burrows moved to refer the bill to a select committee of one with instructions to amend as follows:

After the words, "or either," in line four, insert the following words: "or lease rooms or dwellings."

Which was disagreed to.

On motion of Mr. Schenck the bill was laid upon the table.

Mr. Owens moved that the Senate adjourn.

Which was disagreed to.

Mr. Monahan moved that the Senate take a recess until 9 o'clock P. M.

Which was disagreed to.

H. B. No. 320—To regulate the traffic in the sale or exchange of scrap-iron and old metals.

Was read the third time.

On motion of Mr. Bates, the Senate took a recess until 10 o'clock A. M., to-morrow.

THURSDAY, JANUARY 25, 1877—10 o'clock A. M.

Prayer by Rev. Wm. E. Moore.

On motion of Mr. Knox, leave of absence was granted the Clerk, J. C. Donaldson, until to-morrow.

On motion of Mr. Bates, leave of absence was granted Mr. Burress until Saturday, February 3d.

The question being on the passage of H. B. No. 320,

Mr. Schenck moved to refer the bill to a select committee of one with instructions to amend as follows:

Insert after the word "metals," in line three, section one, "canvas, rope, junk, or lead pipes."

Which was agreed to.

Mr. Schenck was appointed such select committee.

Mr. Schenck, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 320, with instructions to amend, reports the same back amended as instructed.

J. C. SCHENCK.

Mr. Johnston moved to refer the bill to a select committee of one with instructions to amend as follows:

Strike out all of section one, after the word "mentioned," in line seven of said section.

Which was disagreed to.

The question recurring, "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 29, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Philson, Ransom, Reese, Schenck, Spangler, Stickney, Stokes, Swan, Warnock and Williams—29.

Those who voted in the negative were—

Messrs. Hudson, Johnston, Owens, Rukenbrod, Sheridan and Stanton —6.

So the bill passed.

The title was agreed to after being amended by adding the words "old rope and junk" thereto, and by striking out the word "and" before the word "metal."

H. B. No. 542—To authorize the Town Council of the incorporated village of Coshocton to erect a town hall.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 33, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson Johnston, Kent,

Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—33.

The bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 257—Mr. Curtiss—Appropriating money to increase the capacity for gas manufacturing at the Ohio Penitentiary, and for other purposes,

With the following amendment, in which the concurrence of the Senate is requested:

Add to the end of section two: "*Provided,* no money herein appropriated shall be applied to the construction of cells not already authorized by law."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendment, the yeas and nays were taken and resulted—yeas 32, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—32.

So the amendments were concurred in.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 480—Mr. Bohl—To divide Aurelius township, Washington county, into two election precincts.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

The following bills were introduced, on leave, and read the first time:

S. B. No. 272—Mr. Monahan—To amend sections 43, 44 and 46 of an act to regulate the election of State and county officers, passed May 3, 1852, (S. & C., pp. 540, 541).

S. B. No. 273—Mr. Brown of Lucas—To amend section nine of an act entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, (S. & C., Vol. 1, p. 276), and re-enacted by section three of an act entitled an act to provide for and regulate street railroad companies, passed and took effect April 10, 1861, (S. & S., p. 134).

S. B. No. 274—Mr. Bates—To amend the act entitled "An act to authorize cities of the first class to issue bonds for University purposes," passed April 27, 1872, (69 Ohio Laws, 164).

S. B. No. 275—Mr. Bates—Relating to inclined plane railway compa-

nies organized under the act of May 1, A. D. 1852, entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio."

Mr. Lewis, on leave, introduced the following Senate Joint Resolution:

S. J. R. No. 39—WHEREAS, On the 20th day of September, 1875, the Directors of Special School District No. 1, Lafayette township, Coshocton county, Ohio, employed W. R. Lance as principal teacher of said Special School District at an agreed price of two dollars and twenty-five cents per day, and after having taught to the satisfaction of the people of said Special School District sixty-eight days, left for parts unknown; and,

WHEREAS, Thomas H. Farmilton, Treasurer of said Special School District, did, during the time of said service, advance to the said W. R. Lance funds to the amount of eighty-six dollars and fifty cents; therefore,

Resolved by the General Assembly of the State of Ohio, That the Directors or Trustees of Special School District No 1, of Lafayette township, Coshocton county, Ohio, be and they are hereby authorized to release said Thomas H. Farmilton, Treasurer of said Special School District from the payment of the said sum of eighty-six dollars and fifty cents, it being the amount paid W. R. Lance, as said teacher.

The resolution was referred to the standing committee on Finance.

The following bill was introduced, on leave, and read the first time:

S. B. No. 276—Mr. Brown of Lucas—To amend an act entitled an act limiting the rate of taxation in municipal corporations, (O. L., Vol. 73, p. 222).

Mr. Kessler presented the petition of Cincinnati Board of Transportation, of Hamilton county.

Which was referred to the committee on Corporations, other than Municipal.

S. B. No. 256—The special order for this hour, was taken from the table.

Mr. Lewis offered the following substitute, which was laid on the table and ordered printed:

S. B. No. 256—Mr. Lewis—To amend an act entitled "An act to protect certain birds and game, and to protect land owners, and punish trespassing upon improved or enclosed land, and to repeal certain statutes therein named," passed April 20, 1874, (O. L., Vol. 71, page 147), passed April 11, 1876, (O. L., Vol. 73, pages 216 and 217).

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the above mentioned act be so amended as to read as follows:

SEC. 2. It shall be unlawful for any person, at any time or in any place, to catch, kill, or injure, or to pursue with such intent, any quail or prairie chicken until the 15th of November, 1877; and it shall be unlawful for any person, in any place, after the expiration of said time, to catch, kill, or injure, or pursue with such intent, any quail or Virginia partridge between the 15th day of January and the 15th day of November inclusive; or any wild turkey, between the 15th day of January and the 1st day of November inclusive; or any ruffled grouse, or pheasant, or blue winged teal between the 1st day of January and the 1st day of September; or any mallard, or woodcock, or other wild duck at any time between the 1st day of April and the 1st day of September; or at any time between the 1st day of January and the 4th day of July to catch, kill, or injure, or to pursue with such intent any woodcock; and it shall be

unlawful for any person, at any time, to catch, by snare or trap, any quail or Virginia partridge; and it shall be unlawful for any person, by the aid or use of any swivel or punt gun, or any other than a common shoulder gun, or by the use of push boat, or sneak boat used for carrying such gun, to catch, kill, or wound, or destroy, or pursue after with such intent, upon any of the waters, bays, rivers, marshes, mud flats, or any cover to which wild fowl resort within the State of Ohio, any wild goose, wild duck or brant.

Mr. Andrews submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 259—To amend the act entitled "An act to fix the salaries of certain State officers, and to repeal a certain act therein named," passed January 24, 1867, (S. & C., 695)—having had the same under consideration, report it back, with the following substitute, and recommend the passage of the same:

SUBSTITUTE FOR S. B. NO. 259—FROM THE STANDING COMMITTEE ON JUDICIARY.

To relieve the District Courts of the State, and to give greater efficiency to the judicial system of the State, and to fix the salaries of the Judges of the Supreme Court.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That on or before the 20th day of February, in the year A. D. 1877, and on or before the 1st day of October, in each year thereafter, but commencing October 1, 1877, the Judges of the Supreme Court shall divide the State into five districts, and assign to each member of said court one of said districts, in which district, so assigned, it shall be the duty of the Judge to whom the same is assigned, to attend at the session of the District Court therein, for the year.

SEC. 2. The Judges of the Supreme Court shall secure each, annually, for their services the sum of four thousand dollars, to be paid in equal enstallments at the State Treasury, on the second Monday of May, August, November and February of each year; provided, that nothing herein contained shall be so construed as to alter the compensation of any of the aforesaid officers now in office, as fixed by the laws in force when their term of office commenced.

SEC. 3. That an act entitled "An act to amend section 5 of an act entitled 'an act to amend sections 7, 8, 9 and 10,' of an act passed April 12, 1858, entitled 'an act to relieve District Courts, and to give greater efficiency to the judicial system of the State,'" passed April 6, 1859, passed April 2, 1870, and all other acts and parts of acts inconsistent with the provisions of this act, be, and the same are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

J. H. BATES, A. M. BURNS,
GEO. W. ANDREWS, JAS. W. OWENS.

Mr. Knox moved that the bill be laid on the table, and the proposed substitute be printed in advance of other matter.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 17, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Beatty, Brown of Ross, Burns, Burrows, Curtiss, Haines of

Carroll, Kent, Kerr, Kleinschmidt, Knox, Monahan, Philson, Rukenbrod, Spangler, Stanton, Swan and Warnock—17.

Those who voted in the negative were—

Messrs. Andrews, Ault, Bates, Ellis, Hudson, Johnston, Lewis, Miller, Owens, Ransom, Schenck, Sheridan, Stickney, Stokes and Williams—15.

So the motion was agreed to, and the bill was laid on the table.

On motion of Mr. Burns, the Senate took a recess.

THREE O'CLOCK P. M.

Mr. Schenck submitted the following report:

The standing committee on Benevolent Institutions, to whom was referred S. R. No. 59—having had the same under consideration, report it back with the following statement and recommendation:

Your committee had before them the Board of Trustees of the Hospital for the Insane, located at Athens, Ohio, and examined them singly. Said examination developed the fact that Charles L. Wilson was elected by said Board, as Medical Superintendent of Said Hospital, on the 17th inst; notwithstanding the fact that the opinion of the Attorney-General was before them, declaring said Wilson ineligible, on the ground that he is not an elector of the State, and that the constitution of this State requires that all its officers shall be electors.

Your committee presented the case fully to said Board of Trustees, who, thereafter, met and submitted as their answer, the following resolution, stating that the same had been adopted unanimously:

"At a meeting of the Board of Trustees of the Athens Insane hospital, held at the office of the Governor, in Columbus, Ohio, this 23d day of January, 1877, all the members being present, the following resolution was unanimously adopted:

"*Resolved*, That this Board take no action in relation to the alleged ineligibility of Dr. Charles L. Wilson, whom the Board, at a meeting held on the 17th day of January, 1877, elected Medical Superintendent of the Athens Hospital for the Insane, and that it unanimously adheres to its action in electing said Wilson Superintendent, regarding the question of eligibility as belonging exclusively to the adjudication of the State Judiciary, and not within the province of the Board.

"W. WADDLE, *President*,

"H. M. LASH, *Secretary*."

Your committee recommend the adoption of the following joint resolution:

S. J. R. No. 40—Committee on benevolent Institutions—WHEREAS, One Charles L. Wilson, a resident of the State of Indiana, and not an elector of the State of Ohio, has been appointed to the position of Medical Superintendent of the Athens Hospital for the Insane; and,

WHEREAS, The said Wilson has taken the oath of office and possession of said office; therefore,

Be it resolved, by the General Assembly of the State of Ohio, That the Attorney-General of the State of Ohio be instructed to ask leave of the Supreme Court to file an information in the nature of a *quo warranto* against said Charles L. Wilson, to test his eligibility to the office of Medical Superintendent of the Athens Hospital for the Insane.

J. C. SCHENCK, E. T. STICKNEY,
K. RUKENBROD, E. C. LEWIS.
J. R. PHILSON.

The question being on the adoption of the said resolution, the yeas and nays were demanded, taken, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Rukenbrod, Schenck, Spangler, Stokes, Swan, Warnock and Williams—27.

So the resolution was adopted.

Mr. Owens submitted the following report:

The standing committee on Municipal Corporations, to whom was referred S. B. No. 244—To authorize the council of the incorporated village of Kent, Ohio, to make a private contract for the construction of additions to a stone bridge proposed to be built by the Commissioners of Portage county, Ohio, across the Cuyahoga river in said village, to issue bonds and borrow money and to levy a tax to pay said bonds—having had the same under consideration, report it back. with following amendment, and recommend its passage when so amended:

In section 2, line 3, after the word "village," insert "at no less than par value."

JAMES W. OWENS, J. C. SCHENCK,
T. P. BROWN, WM. MILLER,
H. KESSLER.

The amendment was agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Johnston submitted the following report:

The standing committee on Privileges and Elections, to whom was referred S. B. No. 255—Supplementary to an act entitled "An act to regulate the election of State and county officers," passed May 3, 1852, (S. & C., 532)—having had the same under consideration, report it back and recommend its passage.

J. H. BATES, J. R. JOHNSTON,
M. KENT, J. B. WILLIAMS,
H. KESSLER, JOHN AULT.

Mr. Johnston moved that the bill be engrossed at the Clerk's desk and read the third time.

Mr. Owens moved that the bill be recommitted to the committee on Judiciary.

Which was disagreed to.

Mr. Hudson moved that the bill be engrossed and read the third time to-morrow.

Which was disagreed to.

The motion that the bill be engrossed at the Clerk's desk and read the third time was agreed to.

Mr. Monahan moved that the bill be referred to a select committee of one with instructions to amend as follows:

Section one, line three, strike out the words "now pending" and "or."

Which was disagreed to.

Mr. Ellis moved that the Senate adjourn.

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 20, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Swan, Warnock—20.

Those who voted in the negative were—

Messrs. Andrews, Ault, Ellis, Haines of Carroll, Haines of Preble, Hudson, Kerr, Lewis, Miller, Monahan, Owens, Reese, Sheridan, Stickney, Stokes and Williams—16.

The bill passed. The title was agreed to.

Mr Stanton, on leave, introduced the following bill, which was read the first time:

S. B. No. 277—Prescribing the fees of county officers.

The bill was ordered to be printed in advance of other matter.

Mr. Burns submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 450—To authorize the Trustees of Sharon township, Richland county, to transfer certain money therein named to the general fund of said township—having had the same under consideration, report it back and recommend its passage.

A. M. Burns, T. P. Brown,
H. Kessler, Wm. Miller,
Jas. W. Owens, J. C. Schenck.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 33, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates. Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stokes, Swan, Warnock and Williams—33.

So the bill passed. The title was agreed to.

Mr. Kessler submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 544—For the relief of John Meizler and his sureties—having had the same under consideration, report it back and recommend its passage.

A. M. Burns, J. C. Schenck,
H. Kessler, James W. Owens,
T. P. Brown.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 32, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines of Carroll, Haines of Preble, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—32.

So the bill passed. The title was agreed to.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed, S. J. R. No. 40.

WM. BEATTY,
J. C. SCHENCK,
H. V. KERR.

On motion of Mr. Haines of Carroll, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

FRIDAY, JANUARY 26, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. W. E. Moore.

The Journal was read and approved.

Mr. Knox submitted the following report:

The conference committee, to whom was referred the matters of difference on Senate Bill No. 63, having had the same under consideration, submit the following report and recommend its adoption:

That the Senate agree to the House amendments, viz: Striking out the words "or carelessly" in the bill and title.

SAMUEL KNOX,
J. R. JOHNSTON,
Senate Committee.

E. S. HOLLOWAY,
A. C. NIXON,
R. G. WILLIAMS,
House Committee.

The question being on concurring in said report, the yeas and nays were taken and resulted—yeas 29, nays none, as follows:

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Miller, Monahan, Owens, Philson. Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Swan, Warnock and Williams—29.

So the report was concurred in.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 568—Mr. Groom—To promote the advancement of education, and defining the duties of superintendents, principals and teachers in the common schools and high schools in the State of Ohio.

H. B. No. 569—Mr. Neal—Supplementary to an act entitled "An act to authorize the city council of the city of Hamilton to fill up a part of the canal basin in said city," passed April 27, 1872, (Vol. 69, O. L., 271);

and an act supplementary to said act, passed April 6, 1876, (Vol. 73, O. L., 275).

H. B. No. 570—Mr. Quinby—To authorize the village council of the incorporated village of Wilmington, Clinton county, Ohio, to raise money to build a town hall and engine house.

H. B. No. 571—Mr. Burckhardt—To amend section eight of the act entitled, "An act to provide for the proof, acknowledgment and recording of deeds and other instrumenis of writing," passed February 22, 1831, (S. & C., p. 467).

H. B. No. 572—Mr. Williams—To amend section one hundred and one of an act entitled "An act for the reorganization and maintenance of common schools," passed May 1, 1873, (O. L., Vol. 70, p. 195).

H. B. No. 573—Mr. Dirr—Supplementary to an act entitled "An act regarding the maintenance and repair of streets, alleys, etc., in cities of the first-class having a population of more than one hundred and fifty thousand inhabitants at the last federal census," passed April 11, 1876, (O. L., Vol. 73, p. 212).

H. B. No. 574—Mr. Goebel—To create the office of Court Interpreter in certain judicial districts.

H. B. No. 575—Mr. Dow—To amend section 552 of an act entitled "An act to establish a code of civil procedure," passed March 11, 1853, (S. & C., p. 1117).

H. B. No. 576—Mr. Stone—To amend section fifty-two of an act entitled "An act for the reorganization and maintenance of common schools," passed May 1, 1873.

H. B. No. 577—Mr. Meuser—For the relief of Ellis Davis and the sureties on his official bond.

H. B. No. 578—Mr. Converse—To provide for repairs in the heating apparatus of the State House, and for ventilation.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 429—Mr. Hodge—Empowering the council of any city of the first-class, with a population of less than one hundred and fifty thousand and greater than ninety thousand inhabitants at the last federal census, to lease lands for park purposes, and for the improvement of the same.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 498—Mr. Raudabaugh—To amend section two of "An act to authorize and require the Board of Public Works to ascertain and locate all lands belonging to the State, which lie at or near the Public Works of the State, with a proper description of the same, and also providing for the appraisement and sale of the same," passed April 29, 1872.

H. B. No. 499—Mr. Neal—To authorize the city council of the city of Hamilton to transfer certain funds.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 226—Mr. Bohl—To amend sections eighteen, nineteen and twenty of an act entitled "An act for the reorganization and maintenance of common schools," (O. L., Vol. 70, 1873, pp. 198 and 199), passed May 1, 1873.

H. B. No. 307—Mr. Sellards—To authorize the creation of a special school district in Brush Creek township, Scioto county.

H. B. No. 409—Mr. Hostetter—To amend section three of "An act further providing for converting toll roads into free roads," passed May 3, 1873, (O. L., p. 256).

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 175—Mr. Haines of Carroll—To amend section two of an act entitled "An act for the maintenance and support of illegitimate children, and to repeal certain acts therein named," passed April 3, 1873, (Vol. 70, p. 111, O. L.,) with the following amendment, in which the concurrence of the Senate is requested:

In section two, line seventeen, after the word "security," insert the following: "To be approved by said justice."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendment, the yeas and nays were taken, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Curtiss, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Monahan, Owens, Philson, Ransom, Schenck, Sheridan, Spangler, Stanton, Stickney and Warnock —23.

So the amendments was concurred in.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed S. B. No. 244.

WM. W. BEATTY,
J. C. SCHENCK,
JAS. W. OWENS.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 40—Committee on Benevolent Institutions—Instructing the Attorney-General to ask leave of the Supreme Court to file an information in the case of Charles L. Wilson, Medical Superintendent of the Athens Hospital for the Insane.

Attest: WM. LEONARD, *Clerk.*

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled the following bills:

H. B. No. 476—To authorize the transfer of certain funds therein named, now in the treasury of the city of Mt. Vernon, Knox county.

H. B. No. 547—To authorize the town council of the incorporated village of Coshocton to erect a town hall.

E. L. LYBARGER, THOS. S. LUCCOCK,
J. W. WASHBURN, ASA TOBEREN,
C. J. SWAN. E. C. LEWIS.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 542—Mr. Lybarger—To authorize the town council of the incorporated village of Coshocton to erect a town hall.

H. B. No. 476—Mr. Hart—To authorize the transfer of certain funds therein named, now in the treasury of the city of Mt. Vernon, Knox county.

Attest: WM. LEONARD, *Clerk.*

The President, *pro tem.* in presence of the Senate, signed said bills.

Bills were read the second time and referred as follows:

S. B. No. 270—Supplementary to an act entitled "an act to provide for the organization and government of municipal corporations," passed May 7, 1869. (Ohio Laws, volume 66, page 149.)

To the committee on Judiciary.

H. B. No. 524—To amend sections 690, 691 and 692 of "an act to provide for the organization and government of municipal corporations," passed May 7, 1869.

To committee on Municipal Corporations.

H. B. No. 480—To divide Aurelias township, Washington county, into two election precincts.

To the committee on Privileges and Elections.

S. B. No. 97—To authorize a commission to examine into the nature and treatment of the hog cholera.

Was taken up for further consideration.

Mr. Warnock moved to refer the bill to a select committee of one with instructions to amend as follows:

In section 1, line 2, strike out "two" and insert "three."

In 3d line same section, strik out "physicians" and insert "persons selected from different parts of the State."

In section 2, line 2, strike out "fifteen" and insert "ten."

On motion of Mr. Lewis, the Senate took a recess.

THREE O'CLOCK, P. M.

Mr. Monahan moved that S. B. No. 97 be laid on the table.

Which was agreed to.

S. B. No. 244—To authorize the Council of the incorporated village of Kent, Ohio, to make a private contract for the construction of additions to stone bridge, proposed to be built by the Commissioners of Portage county, Ohio, across the Cuyahoga river, in said village, to issue bonds and borrow money, and to levy a tax to pay said bonds.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 25, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Ross, Burrows, Curtiss, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Reese, Kukenbrod, Sheridan, Spangler, Stickney, Swan, Warnock and Williams—25.

Mr. Burns voted in the negative—1.

So the bill passed. The title was agreed to.

The following bills were introduced on leave, and read the first time:

S. B. No. 278—Mr. Johnston—Supplementary to an act to fix the compensation of members and officers of the General Assembly, passed April 2, 1866. (S. & S., p. 696.)

S. B. No. 279—Mr. Stickney—To create a special school district in Seneca county, Ohio, to be called the Rockaway Special School District.

S. B. No. 280—Mr. Swan—To amend section four of an act entitled "An act to provide for the partition of real estate"' passed February 17, 1831, and took effect June 1, 1831, (S & C. p. 896).

Mr. Stickney submitted the following report:

The standing committee on Rail Roads and Telegraphs to whom was referred S. B. No. 237—To secure the wages of labor—having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended.

In first section, second line, strike out "rail road companies and others."

In second section, second line, strike out "twenty-fifth," and insert "last."

In second section at the end of fourth line, add "after a demand of payment."

R. STANTON, M. KENT,
J. H. BATES, E. T. STICKNEY.

Said amendments were agreed to.

The bill was ordered to be engrossed and read the third time Tuesday.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled the following bills:

H. B. No. 364—"An act to authorize the Commissioners of Brown county, Ohio, to build and put in repair certain free turnpikes named therein.

H. B. No. 429—"An act empowering the council of any city of the

first class, with a population of less than one hundred and fifty thousand, and greater than ninety thousand inhabitants at the last Federal census, to lease lands for park purposes and for the improvement of the same.

E. L. LYBARGER, ASA TOBEREN,
J. W. WASHBURN, C. J. SWAN,
E. C. LEWIS.

Mr. Hudson submitted the following report:

The standing committee on finance to whom was referred H. B. No. 465—For the relief of E. J. Nuckolds and sureties of Paint township, Ross county, Ohio—having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended.

Strike out in first section, sixth line, all after "dollars," and all of seventh line and insert "upon his assigning all claims of every kind."

In the eighth line strike out word "from" and insert in lieu thereof the word "against."

J. H. BATES, SAMUEL KNOX,
R. STANTON, H. W. CURTISS,
A. R. HAINES, JOHN H. HUDSON.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time Tuesday.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker, *pro tem.*, in the presence of the House, signed the following bills:

H. B. No. 364—Mr. Flaugher—To authorize the commissioners of Brown county, Ohio, to build and put in repair certain free turnpikes named therein.

H. B. No. 429—Mr. Hodge—Empowering the council of any city of the first class with a population of less than one hundred and fifty thousand, and greater than ninety thousand inhabitants at the last Federal census, to lease lands for park purposes, and for the improvement of the same.

Attest: WM. LEONARD, *Clerk.*

The President, *pro tem.*, in presence of the Senate signed said bills.

Mr. Reese submitted the following report:

The standing committee on Municipal Corporations, to whom was referred S. B. No. 253—Relating to jurors—having had the same under consideration, report it back and recommend its passage.

R. E. REESE, JAMES W. OWENS,
A. M. BURNS, T. P. BROWN,
WM. MILLER.

The bill was ordered to be engrossed and read the third time Tuesday.

Mr. Swan submitted the following report:

The standing committee on Judiciary to whom was referred S. B. No. 264—Supplementary to an act passed April 11, 1876, (O. L., Vol. 73, p. 169), to amend section seven of an act to authorize the County Commis-

sioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act named therein, passed March 29, 1867—having had the same under consideration, report it back and recommend its passage.

A. M. Burns, J. H. Bates,
Jas. W. Owens, C. J. Swan,
Geo. W. Andrews, W. R. Warnock.

Said bill was ordered to be engrossed and read the third time Tuesday.

Mr. Swan submitted the following report:

The standing committee on Judiciary to whom was referred the report of the Commissioners to revise and consolidate the statutes—having had the same under consideration, report the same back, with the following report:

We think that the bills for the consolidated statutes should be just as few as possible. That we should, if practicable, introduce the four different parts as four bills, and at the least, never less than the full title.

In any event, we should begin the work at once on part four. It may be best to make three bills of part four.

We recommend that the portion already received of part four be at once introduced in the House of Representatives.

We recommend the reading the first and second times, as usual, but without further printing; and then on the second reading a reference to the committee of the whole, House or Senate.

We recommend that the Chairman of the committee of the whole do each day designate the extent to which the bill will be considered the subsequent day, and that from day to day he appoint two members, whose duty it shall be to be prepared with the sections to be considered as they now stand, as a means of a ready comparison in the committee of the whole.

Upon the suggestion of any member that he wishes to amend any section, said section shall be informally passed until the next day, for the purpose of such amendment, but not longer, unless by vote of the committee.

Upon the opening of each session of the committee the Chairman shall first call the informally passed sections. The chief Clerk of the House and Senate, and their assistants, shall be the clerks of the respective committees, and shall note the sections informally passed, and upon whose suggestion passed. They shall keep a record of the amendments prepared and also a separate record of all amendments, by the members, of the sections to which such amendments are made, as agreed to by the committee. When such amendments as are recommended by the committee are agreed to by the House or Senate, or made in the House or Senate, such amended sections shall then be printed separately in the same type, paper, and size as the original section of the bill, and shall be attached to the original bill on the inner margin, by paste or mucilage, over the section amended, which shall be the only engrossment required. We recommend that all bills now in the possession of either House that relate to the subject contained in first and fourth of the report of the codifying commission, as are likely to be acted on this session, be considered in the appropriate committee of each House until such time as the work of the commission relating to such subject comes before

the House having such subjects under consideration, and shall be considered in connection with such subject.

J. H. Bates, C. J. Swan,
A. M. Burns, Jas. W. Owens.

On motion of Mr. Andrews said report was laid on the table and ordered to be printed in advance of other matter.

On motion of Mr. Burns, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

Saturday, January 27, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. W. E. Moore.

The Journal was read and approved.

Mr. Reese presented the petition of John G. Reeves, C. F. Rainey, and 350 other citizens of Fairfield county, asking the repeal of that portion of the law making it a penal offense for barbers to work on Sabbath.

Which was referred to the committee on Judiciary.

Mr. Andrews presented the petition of O. L. Lamyan, and two hundred other citizens of Allen county, asking for a division of Richland township, in said county, into two election precincts.

Which was referred to a select committee of one—Mr. Andrews.

The following bills were read the second time and referred as follows:

S. B. No. 271—To authorize the trustees of Geneva township, Ashtabula county, to levy a tax and issue bonds for certain purposes therein named.

To the committee on Federal Relations.

S. B. No. 272—To amend sections forty-three, forty-four and forty-six of an act to regulate the election of State and County officers, passed May 3, 1852. (Swan & Critchfield, pages 540 and 541.)

To the committee on Judiciary.

S. B. No. 273—To amend section nine of an act entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, (Swan & Critchfield, volume 1, page 276), and re-enacted by section three of an act entitled 'an act to provide for and regulate street railroad companies,' passed and took effect April 10, 1861. (Swan & Sayler, page 134.)

To the committee on Railroads and Telegraphs.

S. B. No. 274—To amend the act entitled "An act to authorize cities of the first-class to issue bonds for university purposes," passed April 27, 1872. (69 Ohio Laws, 164.)

To the committee on Judiciary.

S. B. No. 275—Relating to inclined plane railway companies organized under the act of May 1, 1852, entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio."

To the committee on Municipal Corporations.

S. B. No. 276—To amend an act entitled "An act limiting the rate of taxation in municipal corporations. (Ohio Laws, volume 73, page 222.)

To the committee on Municipal Corporations.

S. B. No. 277—Prescribing the fees of county treasurers.

To the committee on Finance.

H. B. No. 498—To amend section two of "An act to authorize and require the Board of Public Works to ascertain and locate all lands belonging to the State, which lie at or near the Public Works of the State, with a proper description of the same, and also providing for the appraisment and sale of the same; passed April 29, 1872.

To the committee on Public Works.

H. B. No. 499—To authorize the city council of the city of Hamilton to transfer certain funds.

To the committee on Finance.

H. B. No. 226—To amend sections eighteen, nineteen and twenty of an act entitled "An act for the re-organization and maintenance of common schools," (Ohio Laws, volume 70, 1873, pages 198, 199,) passed May 1, 1873.

To the committee on Common Schools.

H. B. No. 307—To authorize the creation of a special school district in Brush Creek township, Scioto county.

To the committee on Common Schools.

H. B. No. 409—To amend section three of an act further providing for converting toll roads into free roads, passed May 3, 1873, (Ohio Laws, page 256.)

To the committee on Roads and Highways.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 488—Mr. Oglevee—To amend section one of an act entitled "An act for the establishment, support and regulation of childrens' homes in the several counties and district childrens' homes in this State, and to repeal certain acts therein named," passed and took effect March 22, 1876. (O. L. vol. 73, p. 64.)

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

The following bills were introduced, on leave, and read the first time:

S. B. No. 281—Mr. Stanton—To enable the township and incorporated village of Matta to purchase a site for and build a town hall.

S. B. No. 282—Mr. Andrews—To amend section one of an act entitled "An act providing for the election of County Auditors, and prescribing their duties," passed April 18, 1870.

Mr. Swan asked and obtained leave to record his vote on the resolution relative to the death of P. M. Dechant, and his name being called, he voted in the affirmative.

On demand of Mr. Stanton, a call of the Senate was had.

Senators present were—

Messrs. Andrews, Hudson, Johnston, Kent, Lewis, Miller, Owens, Philson, Reese, Sheridan, Stanton and Swan—12.

On motion of Mr. Swan, all further proceedings under the call were dispensed with.

There being no quorum present, the President declared the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

MONDAY, JANUARY 29, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. W. E. Moore.

The Journal was read and approved.

On demand of Mr. Andrews, a call of the Senate was had.

Senators present were:

Messrs. Andrews, Bates, Brown of Ross, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Lewis, Miller, Owens, Philson, Reese, Sheridan, Stanton and Swan—18.

Mr. Stanton moved that the Sergeant-at-Arms be dispatched for absentees.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 8, nays 10, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Brown of Ross, Curtiss, Johnston, Kent, Philson, Stanton and Swan—8.

Those who voted in the negative were–

Messrs. Andrews, Ellis, Haines of Carroll, Haines of Preble, Hudson, Lewis, Miller, Owens, Reese and Sheridan—10.

So the motion was disagreed to.

Mr. Reese moved that all further proceedings under the call be dispensed with.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 9, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ellis, Haines of Carroll, Hudson, Lewis, Miller, Owens, Reese and Sheridan—9.

Those who voted in the negative were—

Messrs. Bates, Brown of Ross, Curtiss, Haines of Preble, Johnston, Kent, Philson, Stanton and Swan—9.

So the motion was disagreed to.

There being no quorum present, the President *pro tem.* declared the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

TUESDAY, JANUARY 30, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. W. E. Moore.

The Journal was read and approved.

Mr. Knox, on leave, submitted the following report:

The standing committee on Finance, to whom was referred S. B. No. 277—Prescribing the fees of county treasurers, having had the same under consideration, report it back, and recommend its passage.

SAMUEL KNOX, R. STANTON,
A. R. HAINES, J. H. HUDSON,
ELIAS ELLIS.

The bill was ordered to be engrossed at the clerk's desk, and read the third time.

The bill was read the third time.

The question being, "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—31.

So the bill passed. The title was agreed to.

Mr. Johnston, on leave, offered the rollowing resolution, which was adopted.

S. R. No. 70—*Resolved*, That a committee of three be appointed for the purpose of preparing and reporting rules to be observed by the Senate in the trial of any contested election cases in which it may be determined that the Senate has jurisdiction.

The President, pro. tem., appointed Messrs. Johnston, Andrews and Knox as such select committee.

On motion of Mr. Burns, H. J. R. No. 75—Was taken from the table.

Mr. Johnston moved to amend the resolution as follows;

Strike out all after the word "general" in line sixteen, to and including the word "forfeited" in line nineteen, and insert in lieu thereof the following:

And the said Adjutant General shall require from the parties receiving the same, satisfactory security to insure the prompt and speedy return of any and all flags removed therefrom.

And after the word "association" in line twenty-four, add the following:

And he is also authorized and directed to procure suitable cases for the flag room in which said flags may be placed, for the purpose of preserving the same.

On demand of Mr. Spangler, a division of the question was had.

The question being on the adoption of the first division of said amendments, being that part referring to the giving of security for the return of said flags, the yeas and nays were demanded, taken, and resulted—yeas 9, nays 24, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Brown of Ross, Burrows, Ellis, Haines of Carroll, Johnston, Kent, Owens and Ransom—9.

Those who voted in the negative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Burns, Curtiss, Haines of Preble, Kerr, Kessler, Kleinschmidt, Miller, Monahan, Philson, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—24.

So said first division was disagreed to.

The question being on the adoption of the second division of said question, being that part relating to the procuring of cases for the preservation of flags, the yeas and nays were demanded, taken and resulted—yeas 35, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Elliss, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—35.

So said second division was agreed to.

Mr. Johnston moved to amend said resolution as follows:

In the nineteenth line, between the words "privileges" and "render' insert the following:

"Of such regiment or organization so failing to return such flags or standards."

Which was agreed to.

Mr. Burns moved to lay the resolution on the table.

Mr. Lewis moved to refer the resolution to the committee on Military Affairs.

Which was disagreed to.

The resolution was laid on the table.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed, Senate Bills No. 253, 264, 237, and House Bill No. 465.

W. W. BEATTY,
J. C. SCHENCK,
JAMES W. OWENS.

H. B. No. 488—To amend section one of an act entitled an act for the establishment, support and regulation of children's homes in the several counties, and district children's homes in this State, and to repeal certain acts therein named, passed and took effect March 22, 1876, (O. L., Vol. 73, p. 64,) was read the second time, and referred to the committee on O. S. and S. O. Home.

Mr. Beatty, on leave, offered the following joint resolution:

S. J. R. No. 41—WHEREAS, by resolution, the clerks and sergeants-at arms of the Senate and House of Representatives are allowed mileage; and

WHEREAS, no provision is made therefor in present appropriations, therefore

Be it resolved by the General Assembly of the State of Ohio, That there be paid out of the funds appropriated for per diem and mileage of members of the General Assembly, the sum of four hundred and forty-two dollars and ninety-two cents, to be paid upon the certificate of the presiding officers of the respective Houses.

The question being on the adoption of said resolution, the yeas and nays were taken, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Lewis, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Swan, Warnock and Williams—29.

So the resolution was adopted.

On motion of Mr. Beatty the Senate took a recess.

THREE O'CLOCK P. M.

On demand of Mr. Hudson a call of the Senate was had, and 37 Senators answered to their names.

On motion of Mr. Hudson, all further proceedings under the call were dispensed with.

Mr. Johnston, on leave, submitted the following report:

The committee appointed for the purpose of preparing and reporting rules to be observed by the Senate in the trial of any contested election cases in which it may be determined that the Senate has jurisdiction, submit the following rules and recommend that they be adopted:

In the trial of any such cases the following rules shall be observed:

1. On the day and at the hour appointed the presiding officer of the Senate shall announce that the time fixed for hearing the contest has arrived, and the Senate shall at once proceed with the trial, unless the same be continued by the Senate to some other hour or day, and no motion shall be in order, except a motion pertaining to the trial, until after the further hearing of the contest is adjourned.

2. A motion to adjourn the further hearing of the contest shall have precedence of all other motions, and may be made by any Senator. It shall be decided without debate, and if such motion prevails the Senate shall proceed with its legislative or executive business, and the further hearing of the contest shall be postponed until the next succeeding legislative day, at three o'clock P. M., unless a different time be determined by the Senate.

3. Before proceeding with the trial, the presiding officer and each Senator shall take an oath or affirmation that in all things appertaining to the trial of the contest of election now pending, he will truly and impartially try and determine the same, according to the law and the evidence. The oath or affirmation shall be administered by one of the judges of the Supreme Court, and any Senator not present at the opening shall afterward take the oath or affirmation before sitting as a member of the Senate in the trial of the contest.

4 The trial shall proceed and be conducted, so far as may be, according to the rules and practice of courts of law.

5. Counsel for the parties shall be admitted to appear and be heard upon the contest. The contestor shall first introduce his testimony, and then the contestee shall introduce his. Witnesses shall be examined by one person on behalf of the party producing them, and then be cross-examined by one person on the other side.

6. If a Senator is called as a witness he shall be sworn and give his testimony standing in his place.

7. If a Senator wishes a question to be put to a witness or to offer a motion or order, except a motion to adjourn, it shall be reduced to writing and put by the presiding officer.

8. All motions made by the parties or their counsel shall be addressed to the presiding officer, and if he or any Senator shall require it, they shall be committed to writing and read at the clerk's desk.

9. All preliminary or interlocutory questions and all motions may be argued for not exceeding thirty minutes on each side, unless the Senate shall by order extend the time.

10. The clerk of the Senate shall record the proceedings in the trial of the contest as in the case of legislative proceedings, and the same shall be reported in the same manner as the legislative proceedings of the Senate.

11. The presiding officer of the Senate shall direct all necessary preparations in the Senate Chamber, and shall direct all forms of proceeding during the trial of the contest, and he may rule all questions of evidence and incidental questions, which ruling shall stand as the judgment of the Senate unless some member of the Senate shall ask that a formal vote be taken thereon; in which case it shall be submitted to the Senate for de-

cision, or he may, at his option, in the first instance, submit any such question to a vote of the members of the Senate.

12. The presiding officer shall have power to make and issue all orders and writs authorized by these rules, or by the Senate, and to make and enforce such other regulations and orders in the premises as the Senate may authorize and provide.

13. At all times, while the Senate is engaged in the trial of the contest, the doors of the Senate Chamber shall be kept open.

14. The final arguments on the merits may be made by two persons on each side, and the argument shall be opened and closed on the part of the contestor.

15. All orders and decisions of the questions submitted to the Senate for determination shall be made and had by yeas and nays, which shall be entered on the record, and without debate, except that, upon the final question, each Senator shall be at liberty to offer his reasons for the vote he intends to give, but a motion to adjourn may be decided without the yeas and nays, unless they be demanded.

Upon all preliminary and interlocutory questions any Senator shall be permitted to state the reasons only for the vote he is about to give, the time to be occupied by him for that purpose not to exceed five minutes.

16. Every question susceptible of division presented to the Senate for decision shall, upon the demand of either party, or of any Senator, be divided and separately voted upon, and decided by the Senate.

17. After the testimony is heard and argument of counsel concluded, and such of the Senators as choose to do so, have given their reasons for the vote they are about to give, the final decision shall be taken by an alphabetical call of the Senators, and a majority of all the votes given shall decide. The presiding officer shall first submit to the Senate the following question:

"Senators, you who are of the opinion that ——— ———, the contestor, was, on the second Tuesday of October, in the year A. D. 1876, duly and legally elected to the office of ——— ——— ——— for the constitutional term beginning on the —— day of —— A. D. 1877, will, as your names are called, say 'aye,' those of a contrary opinion will say, 'no.'"

If the foregoing question be decided in the negative, the presiding officer shall submit to the Senate the following question:

"Senators, you who are of the opinion that ——— ———, the contestee, was, on the second Tuesday of October, A. D. 1876, duly and legally elected to the office of ——— ——— ——— for the constitutional term beginning on the —— day of ——, A. D. 1877, will, as your names are called, say, 'aye,' those of a contrary opinion will say, 'no.'"

J. R. Johnston,
G. W. Andrews,
Samuel Knox.

The question being on the adoption of said rules, the yeas and nays were taken and resulted—yeas 37, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod,

Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—37.

So said rules were adopted.

On motion of Mr. Knox, the rules were ordered to be printed in advance of all other matter.

The President of the Senate announced that the day and hour fixed for the consideration of the case of Cox vs. Harmon, being the contest for the office of Judge of the Court of Common Pleas of the first judicial district of the State of Ohio, had arrived.

Hon. Jonn Welsh, Chief Justice of the State, then administered the prescribed oath to the President of the Senate.

The President then ordered a call of the Senate, and 37 Senators answered to their names.

The following Senators were then sworn by the Chief Justice:

Messrs. Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Swan, Warnock and Williams.

Messrs. Andrews, Stanton and Stokes were affirmed.

The contestant and contestee appeared at the bar of the Senate by counsel.

The notice and specifications filed by Joseph Cox are in the words and figures following:

IN THE SENATE OF THE STATE OF OHIO.

Joseph Cox, an elector of the county of Hamilton, and State of Ohio, and candidate for the office of one of the Judges of the Court of Common Pleas, of the first Judicial District, of Ohio, comprising the county of Hamilton, at the election held in said district, on the 10th day of October, A. D. 1876, hereby gives notice of his intentions to contest the election of Judson Harmon, declared elected to said office, and hereby specifies the particular points on which he means to rely, to-wit:

First—Because of gross irregularities and frauds committed in the interest and on the behalf of the said Judson Harmon, at the election aforesaid, in the 3d, 4th, 5th, 6th, 8th, 9th, 13th, 16th 18th 21st and 22d wards, and in other precincts and wards of the city of Cincinnati, which is a part of said First Judicial District.

Said irregularities consisted in the absence of Judges and Clerks from their respective polls; that the said Judges and Clerks did not sign their poll books; that persons were excluded from the counting and from being present at the counting of said vote, who were entitled to be present. Said fraud consisted of the voting of persons for the said Judson Harmon, each oftener than one time, and in many instances, voting for him as often as five, ten, fifteen and twenty times; and in persons voting for him who were not residents of the State of Ohio for one year last past; and by persons voting for him who had not lived in the First Judicial District, to-wit: the county of Hamilton for thirty days last past; and by persons voting for him who had not lived in the ward in which they voted twenty days last past; and by persons voting for him who were residents of the State of Kentucky at the time at which they voted; and by persons voting for him who were residents of the State of Maryland at the time at which they voted; and by persons voting for

him who were residents of the State of New York at the time at which they voted; and by persons voting for him who were residents of other of the States of the United States at the time at which they voted, in all, to the number of 1750 votes.

Second—Because the Judges and Clerks of the 1st, 2d, 3d and 4th precincts of the first ward; and the Judges and Clerks of the 1st and 2d precincts of the second ward; and the Judges and Clerks of the 1st and 2d precincts of the fourth ward; and the Judges and Clerks of the several precincts of the 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22d, 23d, 24th and 25th wards of the city of Cincinnati, counted in each of the several precincts aforesaid, at least, five more votes, than were cast for the said Judson Harmon, in the said precincts, and to the total number of 265 votes; which said 265 votes, if deducted from his total vote, as officially reported, would give contestant a majority of all the legal votes cast for the candidates for the said office of Judge of the Court of Common Pleas of the said First Judicial District at said election.

Third—Because the Judges and Clerks of the precincts and wards aforesaid, neglected and omitted to count for the said Joseph Cox, votes in each of the said precincts to which he was legally entitled, which, in the aggregate, amount to more than the majority you claim.

Fourth—Because the Judges and Clerks of the voting precincts of Anderson township, to-wit: Anderson, Northern, Central and Southern; Colerain township, Northern precinct and Southwestern precinct; Columbia township, Eastern precinct, Western precinct, Central precinct and Oakley Station precinct; Crosby township, Delhi precinct, Eastern precinct and Western precinct; Green township, Southern precinct, Northeastern precinct and Northwestern precinct; Harrison township and Miami township precinct; Mill Creek township, Northeastern precinct, Winton Place precinct, Clifton precinct, Western precinct, Avondale precinct, St. Bernard precinct, College Hill precinct, Bond Hill precinct and Riverside precinct; Springfield township, Southeastern precinct, Northeastern precinct, Western precinct and Hartwell precinct; Spencer township, First precinct and Southern precinct; Sycamore township, Eastern precinct, Sharonville precinct and Reading precinct; Symmes township, Camp Dennison precint and Northern precinct; Whitewater township, Northern precinct and Southern precinct, counted for the said Joseph Harmon, in each of said precincts, at least, five more votes than he received, to the total number of at least, 190 votes, which, if deducted from the total vote of the said Judson Harmon, leaves him with a minority of all the votes cast for the said Judge of the Court of Common Pleas, for the said Judicial District. And, because the Judges and Clerks of the townships and precincts aforesaid, neglected and omitted, and, in some cases, fraudulently neglected and omitted to count all the votes cast for contestant, to the number of 70 and more.

Fifth—Because there were cast for the said Harmon, at said election, more than 70 votes on fraudulent ballots or tickets, from which the name of said Joseph Cox was illegally omitted and erased, and the name of the said Joseph Harmon was illegally inserted and voted at said election upon ballots or tickets, on which was printed the heading designated and used by the Republican party, at said election, to the number of 70 and over.

Sixth—Because, in each of the several precincts of the 3d, 4th, 5th, 6th,

8th, 13th, 16th, 18th, 19th, 21st and 22d, wards of said city and Judicial District, there were cast a larger number of ballots or tickets than were names on the tally-sheets, and, because, in each of said precincts there were a larger number of votes cast than there were legal voters in said precincts, and said votes, so illegally cast, were cast for the said Judson Harmon.

Seventh—Because, the said Joseph Cox received a majority over the said Judson Harmon of all the legal votes cast at the said election, for the office of Judge of the Court of Common Pleas for the said First Judicial District of the State of Ohio.

Contestant, therefore, asks that your honorable body, as required by the statutes, by resolution, determine on what day or days you will meet in your chamber to hear and determine said contest, and that a person be appointed by your body to serve upon the said Judson Harmon, a certified copy of this notice, with a notice when he is required to attend in the Senate Chamber to answer this contest.

[SIGNED] JOSEPH COX,
BY BUCKWALTER & CAMPBELL.

The answer of Judson Harmon, contestee is in the words and figures following:

To the Honorable, The Senate of the State of Ohio:

In the matter of the contest of election to the office of Judge of the Court of Common Pleas, within and for the First Judicial District of Ohio, composed of the county of Hamilton.

JOSEPH COX, *Contestant*,
VS.
JUDSON HARMON, *Contestee*, } Motion.

Now comes Judson Harmon, by George Hoadley, Benjamin Butterworth, C. W. Cowan and Moses F. Wilson, his counsel, appearing for the purposes of this motion only, and moves your honorable body to dismiss the said contest for want of jurisdiction, alleging by way of specification of the grounds of said motion:

First—That, as appears from the notice filed by said Joseph Cox herein, the trial of said contest will require the exercise of judicial power, which is not, and cannot, under the constitution of the State of Ohio, be committed to your honorable body, the Senate.

Second—That your honorable body has no jurisdiction of such contest, because the notice of the intention of any candidate or elector to contest the election of said Judson Harmon to said office, is required by law, to be filed with the Clerk of the Senate of the State of Ohio, between the sixth and tenth days after the commencement of the first General Assembly after the day of election; which time has not yet arrived, such election having been held on the tenth of October, A. D. 1876, and after the commencement of the General Assembly now in session.

JUDSON HARMON,
BY GEO. HOADLEY,
BENJ. BUTTERWORTH,
C. W. COAN,
M. F. WILSON,
His counsel.

Cincinnati, January 15, 1877.

The President asked if the parties to the contest were ready to proceed.

Judge Hoadley, for contestee, said that he and associates were ready to make good their motion, here to dismiss this matter by reason of a lack of jurisdiction on part of the Senate.

Mr. Burns offered the following resolution:

S. R. No. 71—*Resolved*, That in the time for the discussion of the motion as to the jurisdiction of the Senate be extended to one and one-half hours on each side.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 19, nays 17, as follows:

Those who voted in the affirmative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines of Carroll, Johnston, Kent, Kessler, Kleinschmidt, Knox, Owens, Philson, Reese, Rukenbrod, Spangler, Stanton and Swan—19.

Those who voted in the negative were—

Messrs. Andrews, Ault, Burress, Ellis, Haines of Preble, Hudson, Kerr, Lewis, Miller, Monahan, Ransom, Schenck, Sheridan, Stickney, Stokes, Warnock and Williams—17.

So the resolution was adopted.

Mr. Butterworth, counsel for the contestee, presented argument in support of the motion of said contestee, for the dismissal of said case.

On motion of Mr. Knox, the further consideration of said matter was postponed until 3 o'clock p. m. to-morrow, as per rule No. 15.

On motion of Mr. Knox, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

WEDNESDAY, JANUARY 31, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by the Rev. W. E. Moore.

The Journal was read and approved.

Mr. Andrews submitted the following report:

The select committee of one, to whom was referred the petition of O. S. Langan and two hundred other citizens of Richland township, Allen county, for division of said township into precincts, having had the same under consideration, report it back with a bill in accordance with the prayer of the petitioners, and recommend its passage.

GEO. W. ANDREWS.

Said bill—S. B. No. 283—To divide the township of Richland, Allen county, into two election precincts, was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 511—Mr. Tryon—To authorize the County Commissioners of Lake county, to remunerate W. P. Rice for loss sustained by breaking through a bridge.

H. B. No. 577—Mr. Meuser—For the relief of Ellis Davis, and the sureties on his official bond.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

Mr. Stickney moved that the constitutional rule requiring bills to be read on three different days be dispensed with, that H. B. No. 577 be read the second time.

On which motion the yeas and nays were taken and resulted—yeas 34, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—34.

So the rule was dispensed with.

The bill was read the second time and referred to the committee on Fees and Salaries.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 41—Mr. Beatty—Relative to mileage for the officers of the Senate and House of Representatives.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of

S. B. No. 190—Mr. Haines of Preble—To amend sections 534, 536 and 541, of an act to establish a code of civil procedure, passed March 11, 1853, (S. & C., pp. 1112-1115),

With the following amendments, in which the concurrence of the Senate is requested:

In the title strike out the word "and" after the words "thirty-four," and after the words "thirty-six" insert "and five hundred and forty-one."

In line seven, section one, after the word "manner" insert the word "provided."

Strike out all of section three and insert the words and figures following, to-wit:

Sec. 3. That section 541 of said act to establish a code of civil procedure, be so amended as to read as follows:

Section 541. Proceedings to vacate or modify a judgment, or order for the causes mentioned in subdivisions four, five and seven of section 534, must be commenced within two years after the judgment was rendered, or order made, unless the party entitled thereto be an infant, married woman, or person of unsound mind, and then within two years after removal of such disability.

Proceedings for the causes mentioned in subdivisions three and six of the same section shall be within three years, and in subdivisions nine

and ten, within one year after the defendant has notice of the judgment.

Sec. 4. That said original sections 534, 536 and 541 be and the same are hereby repealed; and that this act shall be in force from and after its passage.

Attest: WM. LEONARD, *Clerk.*

Said bill, with pending amendments, was referred to the committee on Judiciary.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced into the House of Representatives and read the first time:

H. B. No. 579—Mr. Carothers—To authorize the board of County Commissioners of Delaware county to levy a tax for the purpose of building a county jail in said county.

H. B. No. 580—Mr. Neal—To amend section 556 of an act entitled "An act to establish a code of civil procedure," passed May 11, 1853, (S. & C., 1123).

H. B. No. 581—Mr. Entrekin—Authorizing the County Commissioners of Ross county to build a county jail and to issue bonds therefor.

H. B. No. 582—Mr. Sellards—To elevate the standard of medical education, and to protect the people from incompetent practitioners of medicine.

H. B. No. 583—Mr. Stryker—To provide for the appointment of a Superintendent of the State House, and to prescribe his duties and fix his compensation.

H. B. No. 584—Mr. Krimmel—To authorize the Commissioners of Pickaway county, Ohio, to build a bridge across the Scioto river at or near Mackey's ford, in said county, and to levy a tax for that purpose.

H. B. No. 585—Mr. Smith of Washington—To amend sections 4, 5 and 7 of an act entitled "An act for the jurisdiction and procedure before Justices of the Peace, and of the duties of Constables in civil courts," passed March 14, 1853, (51st Vol. Stat., 179), as amended May 1, 1854, (51st Vol., 100).

H. B. No. 586—Mr. Davies—Prescribing the rate of taxation for county, bridge, road, and township purposes, and to repeal certain acts therein named.

H. B. No. 587—Mr. Barrett—Relative to the payment of certain funds of the city of Xenia.

H. B. No. 588—Mr. Luccock—To provide for the incorporation of farm laborers' associations.

H. B. No. 589—Mr. Perkins—To enable the trustees of Litchfield township to carry out the provisions of an act entitled "An act to provide for a park at the centre of Litchfield, Medina county, Ohio," passed and took effect March 30, 1875.

H. B. No. 590—Mr. Blake—To authorize the payment of a claim therein named.

H. B. No. 591—Mr. Sage—To transfer the county of Wood from the Third to the Fourth Judicial District in the State of Ohio, and to change the fourth subdivision of said third district, and the first subdivision of said fourth district. and to provide for the election of an additional Judge

of the Court of Common Pleas in said first subdivision of said fourth district.

H. B. No. 592—Mr. Kemp—To amend section fifty of an act entitled an act for the assessment and taxation of property in the State, and for levying taxes thereon according to its true value in money.

H. B. No. 593—Mr. Stump—Supplemental to the several acts defining the powers of Notaries Public.

H. B. No. 594—Mr. Sellards—To authorize the Commissioners of Scioto county to purchase toll-road and levy a tax to pay for same.

H. B. No. 595—Mr. Wiltsee—To authorize the Board of County Commissioners of Hamilton county to extend Mitchell Avenue under the Miami and Erie canal, and to levy a tax to defray the expenses thereof.

H. B. No. 596—Mr. Wiltsee—To amend the act creating the office of County Surveyor, passed March 3, 1831.

H. B. No. 597—Mr. Oglevee—To amend section four hundred and thirty-six of the code of civil procedure, as passed March 11, 1853, took effect June 1, 1853, (51 vol Stat. 57,) (S. & C. 1074.)

Attest· WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 598—Mr. Krimmel—Amendatory to an act entitled "An act for the reorganization and maintenance of common schools," passed May 1, 1873.

H. B. No. 599—Mr. Dalzell—To refund interest paid James Eakin, ex-Commissioner of Noble county, Ohio, on moneys borrowed for use of said county.

H. B. No. 600—Mr. Converse—To authorize the city council of the city of Columbus to levy a tax and build a public station.

H. B. No. 601—Mr. Raudabaugh—To authorize the sale of certain lands therein described.

H. B. No. 602—Mr. Neal—To amend section nine of an act providing for the election of County Auditors, and prescribing their duties, passed April 18, 1870.

H. B. No. 603—Mr. Hawley—To amend an act fixing the rate of interest.

H. B. No. 604—Mr. Garwood—To authorize the trustees of Paris township, Union county, Ohio, to join with the council of the incorporated village of Marysville, Ohio, in the purchase of grounds for cemetery purposes, and to levy a tax, issue bonds and borrow money to pay therefor.

H. B. No. 605—Mr. Sellards—To authorize the creation of a special school district in Bloom township, Scioto county, Ohio.

H. B. No. 606—Mr. Duncan—To authorize the town council of the incorporated village of Mt. Gilead to levy additional taxes to complete a town hall.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 607—Mr. Quinby—To amend, revise, and consolidate the statutes relating to crimes and offenses, and to repeal certain acts.

H. B. No. 608—Mr. Holloway—To amend an act entitled "An act to regulate the Ohio Soldiers' and Sailors' Opphans' Home, located at Xenia, and to repeal certain acts therein named," passed March 14, 1876. (O. L. vol. 73, p. 26.)

H. B. No. 609—Mr. Lybarger—To amend section forty-five of an act for the punishment of certain offenses therein named, passed May 8, 1831, took effect June 1, 1831, (29 vol., stat. 144.)

H. B. No. 610—Mr. Barrett—To amend section one of an act entitled "An act to amend an act fixing the rate of interest," passed May 4, 1869. (O. L. p. 91, vol. 66.)

H. B. No. 611—Mr. Bogardus—For the protection of owners of sheep in the State of Ohio.

H. B. No. 612—Mr. Edwards—To amend an act entitled "An act to amend sections 24, 29, 31, 39, 40, 41 and 42 of an act entitled 'an act for the assessment and taxation of property in the State, and for levying taxes thereon according to its true value in money," passed May 8, 1868. (S. & S. 751.)

H. B. No. 613—Mr. Cowgill—To amend sections one and two of an act providing for the punishment of crimes, passed March 7, 1835, took effect July 1, 1835, (33 vol. stat. 33.)

H. B. No. 614—Mr. Swaim—To amend section seven of an act passed April 8, 1876, entitled "An act to amend section seven of an act entitled 'an act further to prescribe the duties of County Commissioners,'" passed April 8, 1856, as amended March 30, 1875.

H. B. No. 615—Mr. Meuser—To provide for the payment for a town hall in Polk township, Crawford county, Ohio.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 502—Mr. Beach—To amend section three of an act entitled "An act to authorize the Commissioners of the several counties in this State, through which the national road passes, to take under their care and control so much of the said road as lies within the limits of such counties respectively," passed April 6, 1876, and took effect May 15, 1876, (O. L. vol. 73, p. 105.)

H. B. No. 489—Mr. Carson—To amend an act entitled "An act to establish a uniform standard of weights and measures," passed March 21, 1863, (S. & S., p. 926); passed February 21, 1873, (O. L., vol. 70, p. 39) and as amended March 10, 1876, (O. L., vol. 73, p. 22.)

H. B. No. 393—Mr. Hostetter—To amend section eleven of an act entitled "An act to amend sections 1, 2, 4, 5, 6 and 11 of an act entitled 'an act to authorize the County Commissioners to construct roads on

petition of a majority of the resident land owners along and adjacent to the line of said road, and to repeal an act therein named," passed March 31, 1868, (S. & S., p. 673), passed April 17, 1873, (70 vol., O. L., 135.)

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 138—Mr. Kent—To amend an amendment to the section of an act entitled "An act supplementary to an act making certain instruments of writing negotiable," passed February 25, 1820, and as amended March 26, and took effect June 2, 1861, passed and took effect March 17, 1875, (O. L., vol. 72, p. 62.)

With the following amendment, in which the concurrence of the Senate is requested:

Strike out of line twenty-one, section two, the words "or succeeded by."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendment, the yeas and nays were taken, and resulted—yeas none, nays 29, as follows:

Those who voted in the negative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Stanton, Stickney, Stokes, Swan, Warnock and Williams—29.

So the Senate refused to concur in said amendment.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 412—Mr. Bohl—To amend section 244 of an act entitled "An act to establish a code of civil procedure," passed March 11, 1853, (S. & C., Vol. 2, page 1017).

H. B. No. 500—Mr. Inman—To authorize the filling of vacancies in the boards of trustees of townships.

H. B. No. 513—Mr. Bogardus—To authorize the trustees of the township of New London, in the county of Huron, and State of Ohio, to issue bonds for the payment of its debt incurred in building a town hall.

H. B. No. 549—Mr. Entrekin—To amend section one of an act entitled "An act to provide for the execution and supervision of the State printing," passed and took effect March 24, 1860.

H. B. No. 555—Mr. Faxon—To authorize the transfer of certain funds of the village of Oberlin.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

S. B. No. 237—To secure the wages of labor.

Was read the third time and laid on the table.

On motion of Mr. Bates, the report of the Judiciary Committee on codification and revision of the statutes, was taken from the table.

The report was agreed to.

S. B. No. 253—Relating to jurors.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 37, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—37.

So the bill passed. The title was agreed to.

On motion of Mr. Stanton, S. B. No. 237 was taken from the table.

Mr. Hudson moved to refer the bill to a select committee of one with instructions to amend as follows:

In line five, after the word "operations," insert, "except officers."

Which was agreed to.

Mr. Hudson was appointed as such select committee.

Mr. Hudson, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 237, with instructions to amend, reports the same back amended as instructed.

J. H. Hudson.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 37, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—37.

So the bill passed. The title was agreed to.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills:

S. B. No. 262—Fixing the times of holding the District Courts in the several counties in the Eighth Judicial District.

S. B. No. 245—To amend an act entitled "An act to amend section three of an act prescribing the rate of taxation for county, bridge, road, and township purposes, etc.

C. J. Swan, E. C. Lewis,
E. L. Lybarger, J. W. Washburn,
Asa Toberen, Thos. S. Luccock.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

S. B. No. 262—Mr. Knox—Fixing the time of holding the District Courts in the several counties in the Eighth Judicial District for the year 1877.

S. B. No. 245—Mr. Owens—To amend an act entitled "An act to amend section three of an act prescribing the rate of taxation for county, bridge, road, and township purposes," passed May 1, 1871, (O. L., Vol. 68, p. 117), and to amend an act entitled "An act prescribing the rate of taxation for county, bridge, road and township purposes," passed April 26, 1872, (O. L., Vol. 69, p. 113), passed April 3, 1876, (O. L., Vol. 73, p. 149).

Attest: WM. LEONARD, *Clerk.*

The President *pro tem.*, in presence of the Senate, signed said bills.

H. B. No. 465—For the relief of E. J. Nuckols, treasurer of Paint township, Ross county, Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 33, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kerr, Knox, Lewis, Miller, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—33.

So the bill passed. The title was agreed to.

S. B. No. 264—Supplementary to an act passed April 11, 1876, (Ohio Laws, volume 73, page 169), to amend section seven of an act to authorize the County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act named therein, as passed March 29, 1867.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 33, nays none, as follows:

Those who voted in the affirmative were:

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kerr, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—33.

So the bill passed. The title was agreed to.

The following bills were introduced, on leave, and read the first time:

S. B. No. 284—Mr. Stickney—To authorize the Common Council of the village of Attica, in Seneca county, to transfer money.

S. B. No. 285—Mr. Monahan—To authorize the Board of Education of the city of Portsmouth to borrow money to build a school house and issue bonds for the payment of the same.

S. B. No. 286—Mr. Knox—To regulate the fees of county Surveyors, and to repeal section one of an act to regulate the fees of county Surveyors, passed March 18, 1867.

S. B. No. 287—Mr. Kleinschmidt—For the better management of Orphan Asylums.

S. B. No. 288—Mr. Swan—To amend section seven of an act entitled "An act establishing Boards of County Commissioners, and prescribing

their duties," passed March 12, 1853, as amended March 30, 1868, (S. & S., p. 89).

S. B. No. 289—Mr. Schenck—To authorize the council of the incorporated village of West Cleveland, Ohio, to issue bonds to the amount of fourteen thousand dollars for the purpose of grading Detroit street, and building a culvert under the L. S. & M. S. R. R., at the intersection of Lake avenue.

S. B. No. 290—Mr. Brown of Lucas—To amend sections 5, 6 and 10 of an act entitled an act to protect certain birds and game, and to protect land owners, and punishing trespassing upon improved or enclosed land, and to repeal certain statutes therein designated, passed April 20, 1874, (O. L., Vol. 71, p. 147), and amended April 11, 1876, (O. L., Vol. 73, p. 216).

S. B. No. 291—Mr. Knox—To provide for the obtaining and publishing reports of banks, savings institutions, and trust companies organized under the laws of this State.

S. B. No. 292—Mr. Lewis—To change the subdivisions of the Eighth Judicial District, to create an additional subdivision thereof in the State of Ohio, and the election of an additional Judge therein.

Mr. Brown of Ross, submitted the following report:

The standing committee on Public Works, to whom was referred S. B. No. 263—To amend the second section of an act entitled "An act to authorize the commissioners of the several counties in this State through which the national road passes to take under their care and control so much of said road as lies within the limits of such counties respectively," passed April 6, 1876, (pages 105 and 106 of Ohio Laws, Vol. 73) —having had the same under consideration, report it back and recommend its passage.

A. L. Brown, M. Kent,
R. Stanton, C. J. Swan,
James W. Owens, Wm. Miller.
R. E. Reese.

The bill was ordered to be engrossed at the Clerk's desk and read the third time.

The bill was engrossed and read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 33, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—33.

So the bill passed. The title was agreed to.

Mr. Rukenbrod submitted the following report:

The standing committee on Soldiers' and Sailors' Orphans' Home, to whom was referred—

H. B. No. 488—To amend section one of an act entitled "An act for the establishment, support, and regulation of Children's Homes in the several counties and district Children's Homes in this State, and to repeal certain acts therein named," passed and took effect March 22, 1876, (Ohio Laws, volume 73, page 64)—having had the same under considera-

tion, report it back with the following amendments, and recommend its passage when so amended:

After the word "two," at the end of line sixteen, section one, add the words "or more."

At the beginning of line forty-nine, same section, strike out the word "of" and insert in lieu thereof the words "not to exceed."

J. K. Rukenbrod, A. L. Brown,
A. Spangler, Elias Ellis,
J. R. Williams, A. M. Burns,
Jno. H. Hudson.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Johnston submitted the following report:

The standing committee on Corporations other than Municipal, to whom was referred S. B. No. 248—To amend section nine of an act entitled "An act supplementary to an act entitled 'An act to provide for the creation and regulation of Incorporated Companies in the State of Ohio,'" passed May 1, 1852; passed April 15, 1867, (S. & S., 186); as amended February 25, 1869, (O. L., Vol. 66, p. 14); as amended April 20, 1874, (O. L., Vol. 71, p. 161); as amended April 11, 1876, (O. L., Vol. 73, p. 188), having had the same under consideration, report it back with the following amendment, and recommend its passage when so amended:

In line eight of section one, after the word "temperance," strike out the words "and other moral."

J. R. Johnston, W. R. Warnock,
R. Stanton, Geo. W. Andrews.

The amendment was agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Burrows submitted the following report:

The standing committee on Federal Relations, to whom was referred S. B. No. 271—To authorize the Trustees of Geneva township, Ashtabula county, to levy a tax and issue bonds for certain purposes therein named, having had the same under consideration, report it back with the following amendments, and recommend its passage when so amended:

In section three strike out all the words in line five.

In section four strike out the words "section four" and "that" immediately following:

In line two, same section, strike out the words "after the adoption of this act," and insert in lieu thereof the word "thereafter."

In section five, first line, strike out "five" and insert "four."

In line two, same section, insert after the words "expedient to:" "Make three separate levies," and in line six, after the word "bonds," insert the following: "Which shall not be sold for less than their par value."

In section six, line one, strike out "six" and insert "five."

S. S. Burrows, E. F. Kleinschmidt,
Samuel Knox, W. H. Stokes,
W. R. Warnock, Wm. Miller.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled the following joint resolution:

S. J. R. No. 41—Relative to mileage for the officers of the Senate and House of Representatives.

C. J. SWAN, H. V. KERR,
E. C. LEWIS, T. P. BROWN,
E. L. LYBARGER, J. W. WASHBURN,
ASA TOBEREN.

By request of Mr. Stanton, leave of absence was granted to Jacob Hildebrand, Second Assistant Sergeat-at-Arms, until 3 o'clock P. M. Monday next.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following joint resolution:

S. J. R. No. 41—Mr. Beatty—Relative to mileage for the officers of the Senate and House of Representatives.

Attest: WM. LEONARD, *Clerk.*

The President of the Senate, in presence of the Senate, signed said resolution.

Mr. Brown of Ross submitted the following report:

The standing committee on Agriculture, to whom was referred H. B. No. 479—To authorize the removal of drift timber and other obstructions from the natural channel of streams,and to protect land from overflowing, having had the same under consideration, report it back and recommend its passage.

A. L. BROWN, A. M. BURNS,
A. SPANGLER, H. KESSLER,
E. T. STICKNEY, ELIAS ELLIS.
A. R. HAINES.

The bill was ordered to be read the third time to-morrow.

Mr. Ransom submitted the following report:

The standing committee on Common Schools, to whom was referred H. B. No. 78—To secure to children the benefit of an elementary education, having had the same under consideration, report it back and recommend its passage.

E. P. RANSOM, E. T. STICKNEY,
SAMUEL KNOX, W. R. WARNOCK,
S. S. BURROWS.

The bill was ordered to be read the third time to-morrow.

Mr. Haines of Carroll submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 528—For the relief of William Hodkins, Treasurer of Parkman township, Geauga county, having had the same under consideration, report it back and recommend its passage.

A. R. HAINES, SAMUEL KNOX,
H. W. CURTISS, ELIAS ELLIS,
JNO. H. HUDSON.

The bill was ordered to be read the third time to-morrow.
On motion of Mr. Johnston the Senate took a recess.

THREE O'CLOCK P. M.

On demand of Mr. Curtiss a call of the Senate was had.
Messrs. Burns and Stickney were absent.
Messrs. Burns and Stickney appeared within the bar and answered to their names.

All further proceedings under the call were dispensed with.
The contested election case of Cox vs. Harmon, the special order for this hour, was taken up for consideration.
Some time having been spent by counsel for the contestant in the discussion of the motion to dismiss the case made by counsel for contestee, Mr. Burns offered the following resolution, which was adopted.
S. R. No. 72—*Resolved*, That the time for the argument of the motion as to the jurisdiction of the Senate herein, be extended forty-five minutes to each side.

Said time having been taken up by the counsel for the contestee—
Mr. Burns offered the following resolution:

S. R. No. 73—*Resolved*, That the time for the argument of the motion as to the Senate's jurisdiction, be extended one hour on each side.
The question being on the adoption of the resolution, the yeas and nays were demanded, taken, and resulted—yeas 24, nays 13, as follows:
Those who voted in the affirmative were—
Messrs. Andrews, Ault, Bates, Brown of Lucas, Burns, Burress, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Owens, Ransom, Reese, Sheridan, Spangler, Stickney, Stokes and Williams—24.
Those who voted in the negative were—
Messrs. Beatty, Brown of Ross, Burrows, Johnston, Kent, Knox, Monahan, Philson, Rukenbrod, Schenck, Stanton, Swan and Warnock—13.
So the resolution was adopted.
Mr. Curtiss moved that the consideration of said case be postponed until 3 o'clock P. M. to-morrow.
On which motion the yeas and nays were demanded, taken and resulted—yeas 20, nays 17, as follows:
Those who voted in the affirmative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Curtiss, Haines of Carroll, Haines of Preble, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Philson, Ransom, Rukenbrod, Schenck, Swan and Warnock—20.

Those who voted in the negative were—

Messrs. Andrews, Ault, Bates, Burress, Burrows, Ellis, Hudson, Kerr, Monahan, Owens, Reese, Sheridan, Spangler, Stanton, Stickney, Stokes and Williams—17.

So the motion was agreed to.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bill:

H. B. No. 450—To authorize the Trustees of Sharon township, Rich-

land county, to transfer certain money therein named to the general fund of said township.

E. L. Lybarger, Thos. S. Luccock,
Asa Toberen, J. W. Washburn,
C. J. Swan, E. C. Lewis,
H. V. Kerr.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 255—Mr. Kessler—Supplementary to an act entitled an act to regulate the election of State and county officers, passed May 3, 1852, (S. & C., 552,) with the following amendments, in which the concurrence of the Senate is requested:

Insert at the close of section one, the following:

And whenever any omission, defect or error shall occur, or has heretofore occurred in the proceedings of any officer or officers, in declaring or certifying that any person or persons are, or were duly elected to any office or offices, under the laws of this State, such omission, defects or error may be corrected upon parol proofs, or oral testimony offered at the trial, or at the hearing of any preliminary proceedings of any such case.

Also strike out of line one, section two, the word "said" and insert after the word "officer" in the same line, the following:

Before whom depositions are taken as aforesaid.

Strike out of line four, the words "said Court of Common Pleas," and insert the following:

Court wherever such matter or anything relating to the cause is or shall be pending.

Strike out of section four, after the word "court," in line five, and insert the following in lieu thereof:

"Unless a motion shall be made by one of the parties to such case to take up the same, when the court shall at once hear and determine any matter relating to such contest then pending before it."

Strike out the word "that" in line two, section five, and insert the words "or appeal" after the word "contest" in the same line.

Also insert the words "and filed" immediately after the word "served" in line three, of section five.

Attest: Wm. Leonard, *Clerk.*

The question being on concurring in said amendments.

On demand of Mr. Burns a call of the Senate was had.

Thirty-six Senators answered to their names. Mr. Miller was absent.

On motion of Mr. Burns all further proceedings under the call were dispensed with.

Mr. Burress moved that the Senate adjourn.

On which motion the yeas and nays were taken, and resulted—yeas 16, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Burress, Hanies of Carroll, Haines of Preble, Hudson, Kerr, Monahan, Owens, Reese, Sheridan, Stickney, Stokes and Williams—16.

Those who voted in the negative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock —19.

So the motion was disagreed to.

On demand of Mr. Andrews, a call of the Senate was had. Thirty-six members answered to their names. Mr. Miller was absent.

Mr. Johnston moved that all further proceedings under the call be dispensed with.

On which motion the yeas and nays were demanded, taken and resulted—yeas 28, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Hudson, Johnston, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stokes, Swan, Warnock and Williams—28.

Those who voted in the negative were—

Messrs. Andrews, Ault, Haines of Carroll, Haines of Preble, Monahan, Reese and Stickney—7.

So the motion was agreed to.

Mr. Reese moved that the Senate adjourn until 9:30 o'clock A. M. tomorrow, and proceeded to speak to said question, when the President decided debate to be out of order.

Mr. Reese appealed from the decision of the Chair.

The question being "Shall the decision of the Chair be the decision of the Senate?" the yeas and nays were demanded, taken, and resulted —yeas 18, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Brown of Lucas, Burns, Burress, Burrows, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Philson, Rukenbrod, Schenck, Swan and Warnock—18.

Those who voted in the negative were—

Messrs. Andrews, Ault, Beatty, Curtiss, Ellis, Haines of Preble, Monahan, Owens, Reese, Sheridan. Spangler, Stickney Stokes and Williams —14.

So the Chair was sustained in its decision.

The motion to adjourn was disagreed to.

By request of Mr. Owens, the bill was read for the information of the Senate.

Mr. Andrews moved that the Senate adjourn.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 12, nays 22, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Burress, Ellis, Haines of Carroll, Haines of Preble, Hudson, Lewis, Sheridan, Stickney, Stokes and Williams—12.

Those who voted in the negative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—22.

So the motion was disagreed to.

Mr. Kleinschmidt demanded the previous question, which demand

was seconded by Messrs. Kessler, Bates, Kent, Brown of Lucas and Curtiss.

On demand of Mr. Reese, a call of the Senate was had, and 35 Senators answered to their names.

Messrs. Haines of Preble, and Miller were absent.

Mr. Reese moved that the Sergeant-at-Arms be dispatched for absentees.

On which motion the yeas and nays were demanded, taken and resulted—yeas 10, nays 24, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Burress, Haines of Carroll, Hudson, Lewis, Monahan, Owens, Stickney, Stokes and Williams—10.

Those who voted in the negative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Curtiss, Ellis, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Swan and Warnock—24.

So the motion was disagreed to.

Mr. Burns moved that all further proceedings under the call be dispensed with.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 25, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Swan, Warnock and Williams—25.

Those who voted in the negative were—

Messrs. Ault, Lewis, Monahan, Owens, Reese, and Stokes—6.

So the motion was agreed to.

Mr. Reese moved that the Senate take a recess until 10 o'clock A. M. to-morrow.

On which motion the yeas and nays were demanded, taken and resulted—yeas 13, nays 21, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Burress, Ellis, Haines of Carroll, Hudson, Lewis, Monahan, Owens, Sheridan, Stickney, Stokes, and Williams—13.

Those who voted in the negative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—21.

So the motion was disagreed to.

Mr. Hudson moved that the bill with pending amendments be laid upon the table.

On which motion the yeas and nays were demanded, taken and resulted—yeas 6, nays 26, as follows:

Those who voted in the affirmative were—

Messrs. Burress, Haines of Carroll, Lewis, Sheridan, Stickney and Stokes—6.

Those who voted in the negative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Hudson, Johnston, Kent, Kessler,

Kleinschmidt, Knox, Monahan, Owens, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Swan, Warnock and Williams—26.

So the motion was disagreed to.

The question being "Shall the main question now be put ?"

On which the yeas and nays were taken, and resulted—yeas 20, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson. Ransom, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—20.

Those who voted in the negative were—

Messrs. Andrews, Ault, Burress, Ellis, Haines of Carroll, Hudson, Kerr, Lewis, Monahan, Owens, Reese, Sheridan, Stickney, Stokes and Williams—15.

So the demand for the previous question was sustained.

The question recurring on concurring in said amendments, the yeas and nays were taken and resulted—yeas 20, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnson, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—20.

Those who voted in the negative were—

Messrs. Andrews, Ault, Burress, Ellis, Haines of Carroll, Hudson, Kerr, Lewis, Monahan, Owens, Sheridan, Stickney, Stokes and Williams—14.

So the amendments were concurred in.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bill:

H. B. No. 450—Mr. Barnett—To authorize the trustees of Sharon township, Richland county, to transfer certain money therein named, to the general fund of said township.

Attest: WM. LEONARD, *Clerk.*

The President of the Senate, in presence of the Senate, signed said bill.

On motion of Mr. Stanton the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

THURSDAY, FEBRUARY 1, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. W. E. Moore.

The Journal was read and approved.

Mr. Bates asked that leave of absence be granted Mr. Burress until Wednesday next.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 17, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Burns, Curtiss, Ellis, Johnston, Kent, Kessler

Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Spangler, Stickney, Swan and Warnock—17.

Those who voted in the negative were—

Messrs. Andrews, Haines of Carroll, Haines of Preble, Hudson, Kerr, Lewis, Miller, Monahan, Owens, Reese, Sheridan, Stanton, Stokes and Williams—15.

So the request was granted.

Mr. Curtiss, on leave, offered the following resolution:

S. R. No. 73—*Resolved*, That when this Senate adjourns on Friday, February 9, 1877, it be until Tuesday following at 3 o'clock P. M., and that every three weeks thereafter the adjournment on Friday shall be for the same length of time, and that Senate Resolution No. 58 be and the same is hereby rescinded.

The resolution was laid on the table under notice of intention to discuss—By Mr. Andrews.

Mr. Curtiss moved that the rule under which said resolution was laid on the table (No. 61), be suspended.

On which motion the yeas and nays were taken, and resulted—yeas 20, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Swan, and Warnock—20.

Those who voted in the negative were—

Messrs. Andrews, Ault, Ellis, Haines of Carroll, Haines of Preble, Hudson, Kerr, Lewis, Miller, Monahan, Owens, Sheridan, Stickney, Stokes and Williams—15.

So the motion was disagreed to.

Mr. Ellis moved that the Senate take a recess.

Which was disagreed to.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed S. Bs. No. 271 and 248.

WM. W. BEATTY,
H. V. KERR,
JAS. W. OWENS.

S. B. No. 277—Supplementary to "An act to fix the compensation of members and officers of the General Assembly," passed April 2, 1866. (Swan & Sayler, page 696).

Was read the second time and referred to the committee on Fees and Salaries.

On motion of Mr. Brown of Lucas the Senate took a recess.

THREE O'CLOCK P. M.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled, the following bills and joint resolutions:

S. J. R. No. 40—Instructing the Attorney General to ask leave of the Supreme Court to file an information in the nature of a *quo warranto* in case of Charles L. Wilson, Medical Superintendent of the Athens Insane Asylum.

S. J. R. No. 35—Requiring the Secretary of State to procure copies of Walker & Bates' Digest, for the use of the General Assembly.

S. B. No. 63.—To restrain the use of poison.

S. B. No. 257—Appropriating money to increase the capacity for gas manufacturing at the Ohio Penitentiary, and other purposes.

S. B. No. 175—To amend section two of an act entitled "An act for the maintenance and support of illegitimate children, and to repeal certain acts therein named," passed April 3, 1873.

C. J. Swan, T. P. Brown,
H. V. Kerr, E. C. Lewis,
E. L. Lybarger, J. W. Washburn,
Asa Toberen.

Mr. Swan submitted the following report:

The joint committee on Enrollment, have examined, and found correctly enrolled, the following bill:

S. B. No. 225—Supplementary to an act entitled "An act to regulate the election of state and county officers," passed May 3, 1852, (S. & C., p. 532).

C. J. Swan, T. P. Brown,
H. V. Kerr, E. C. Lewis,
Asa Toberen, E. L. Lybarger.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bill:

S. B. No. 255—Mr. Kesler—Supplementary to an act entitled "An act to regulate the election of State and county officers," passed May 3, 1852, (S. & C., p. 532).

Attest: Wm. Leonard, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and joint resolutions:

S. B. No. 175—Mr. Haines of Carroll—To amend section two of an act entitled "An act for the maintenance and support of illegitimate children and repeal certain acts therein named," passed April 3, 1873, (Vol. 70, p. 111, O. L).

S. B. No. 63—Mr. Burrows—To restrain the use of poisons.

S. B. No. 257—Mr. Curtiss—Appropriating money to increase the capacity for gas manufacturing, at the Ohio Penitentiary, and for other purposes.

S. J. R. No. 40—Committee on Benevolent Institutions—Instructing the Attorney-General to ask leave of the Supreme Court to file an information in the case of Charles L. Wilson, Medical Superintendent of the Athens Hospital for the Insane.

S. J. R. No. 35—Mr. Andrews—Requiring the Secretary of State to procure copies of Walker & Bates' Digest, for the use of the General Assembly.

Attest: Wm. Leonard, *Clerk.*

The President of the Senate, in presence of the Senate, signed said bills and joint resolution.

The President called the attention of the Senate to the fact that the hour fixed for the further consideration of the contested election case of Cox vs. Harmon had arrived.

On demand of Mr. Knox, a call of the Senate was had.

Thirty-six Senators answered to their names.

Mr. Burres was absent on leave.

All further proceedings under the call were dispensed with.

The argument was opened by Judge Hoadley, one of counsel for the contestee, on their motion for the dismissal of the case.

On demand of Mr. Curtiss, a call of the Senate was had.

Thirty-six Senators answered to their names.

Mr. Burress was absent on leave.

On motion of Mr. Curtiss, all further proceedings under the call, were dispensed with.

Mr. Lewis offered the following resolution:

S. R. No. 74—*Resolved by the Senate*, That the further consideration of this subject be postponed until Tuesday, February 6, at 3 o'clock p. m.

The question being on the adoption of the resolution, the yeas and nays were demanded, taken, and resulted—yeas 16, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Ellis, Haines of Carroll, Haines of Preble, Hudson, Kerr, Lewis, Miller, Monahan, Owens, Reese, Sheridan, Stickney, Stokes and Williams—16.

Those who voted in the negative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—19.

So the resolution was disagreed to.

The question being on the motion of the counsel for the contestee, that the Senate dismiss the case for the want of jurisdiction.

On demand of Mr. Burress, a divison of the question was had.

The question being on the first division of the motion—

The President put the question in the following manner:

SENATORS—You, who are of the opinion that the Senate of Ohio has jurisdiction to try a contested election case for the office of Judge of the Court of Common Pleas, will, as your names are called, say "aye." Those of a contrary opinion, say "no."

The yeas and nays were taken, and resulted—yeas 24, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Swan and Warnock—24.

Those who voted in the negative were—

Messrs. Andrews, Ault, Ellis, Haines of Carroll, Haines of Preble, Hudson, Lewis, Miller, Owens, Stickney, Stokes and Williams—12.

So the Senate sustained its jurisdiction in such case.

The question being on sustaining the second division of said motion—

The President put the question in the following manner:

SENATORS—You, who are of the opinion that the contest here, ought not to be proceeded with, because the notice was not filed at the time re-

quired by law, will, as your names are called, say "aye." Those of a contrary opinion, say "no."

The yeas and nays were taken, and resulted—yeas 17, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Ellis, Haines of Carroll, Haines of Preble, Hudson, Kerr, Lewis, Miller, Monahan, Owens, Reese, Sheridan, Spangler, Stickney, Stokes and Williams—17.

Those who voted in the negative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Stanton, Swan and Warnock—19.

So the motion was overruled, and the jurisdiction of this Senate was sustained.

Mr. Curtiss offered the following resolution:

S. J. No. 75—*Resolved*, That the further consideration of this contest be postponed until Monday, February 19, 1877.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 35, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—35.

So the resolution was adopted, and the case so adjourned.

Mr. Curtiss, moved that the vote whereby S. R. No. 75 was adopted, be reconsidered.

On which motion the yeas and nays were taken, and resulted—yeas 19, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—19.

Those who voted in the negative were—

Messrs. Andrews, Ault, Ellis, Haines of Carroll, Haines of Preble, Hudson, Kerr, Lewis, Miller, Monahan, Owens, Reese, Sheridan, Stickney, Stokes and Williams—16.

So the motion was agreed to.

On motion of Mr. Curtiss, the resolution was laid upon the table.

Mr. Lewis moved that the further consideration of the Cox vs. Harmon case, be postponed until 3 o'clock, p. m. to-morrow.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 2, nays 32, as follows:

Those who voted in the affirmative were—

Messrs. Johnston and Schenck—2.

Those who voted in the negative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—32.

So the motion was disagreed to.

On motion of Mr. Curtiss, S. R. No. 75 was taken from the table.

The question being on the adoption of the said resolution, the yeas and nays were taken, and resulted—yeas 34, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—34.

So the resolution was adopted.

On motion of Mr. Ransom the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

FRIDAY, FEBRUARY 2, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. W. E. Moore.

The Journal was read and approved.

On motion of Mr. Curtiss, Senate resolution No. 73 was taken from the table.

The resolution was adopted.

By request of the President, leave of absence was granted the Senator from Erie, Mr. Hudson, until Tuesday next, at 3 o'clock P. M.

By request of Mr. Hudson, leave of absence was granted the Senator from Monroe, Mr. Williams, for the same length of time.

Leave of absence was also granted Messrs. Haines of Carroll, Kent and Stickney until 3 o'clock P. M., Tuesday next.

Bills were read the second time and referred as follows:

S. B. No. 279—To create a Special School District in Seneca county, Ohio, to be called the Rockaway Special School District.

To the committee on Common Schools and School Lands.

S. B. No. 280—To amend section four of an act entitled an "Act to provide for the partition of real estate," passed February 17, 1831, and took effect June 1, 1831, (Swan & Critchfield, page 896).

To the committee on Judiciary.

S. B. No. 281—To enable the township and incorporated village of Malta to purchase a site for, and build a town hall.

To the committee on Municipal Corporations.

S. B. No. 282—To amend section one of an act entitled "An act providing for the election of county Auditors, and prescribing their duties," passed April 18, 1870.

To committee on Judiciary.

H. B. No. 511—To authorize the County Commissioners of Lake county to remunerate W. P. Rice for loss sustained by breaking through a bridge.

To the committee on Claims.

H. B. No. 502—To amend section three of an act entitled "An act to authorize the commissioners of the several counties in this State through which the national road passes, to take under their care and control so much of the said road as lies within the limits of such counties respectively," passed April 6, 1876, and took effect May 15, 1876, (Ohio Laws, volume 73, page 105).

To the committee on Roads and Highways.

H. B. No. 489—To amend an act entitled "An act to establish a uniform standard of weights and measures," passed March 21, 1873, (Swan & Sayler, page 926); passed February 21, 1873, (Ohio Laws, volume 70, page 39), and as amended March 10, 1876, (Ohio Laws, volume 73, page 22).

To the committee on Agriculture.

H. B. No. 393—To amend section eleven of an act entitled an act to amend sections 1, 2, 4, 5, 6 and 11 of an act entitled an act to authorize the County Commissioners to construct roads, on petition of a majority of the resident land owners along and adjacent to the line of said road, and to repeal an act therein named, passed March 29, 1867, passed March 31, 1868, (Swan & Sayler, page 673), passed April 17, 1873, (70th volume Ohio Laws, page 135).

To the committee on Judiciary.

H. B. No. 412—To amend sections 243 and 244 of an act entitled "An act to establish a code of civil procedure, passed March 11, 1853, (Swan & Critchfield, volume 2, page 1017).

To the committee on Judiciary.

H. B. No. 500—To authorize the filling of vacancies in the Boards of Trustees of townships.

To the committee on Judiciary.

H. B. No. 513—To authorize the trustees of the township of New London, in the county of Huron, and State of Ohio, to issue bonds for the payment of its debt incurred in building a town hall.

To the committee on Finance.

H. B. No. 549—To amend section one of an act entitled "An act to provide for the execution and supervision of the State printing and binding, passed and took effect March 24, 1860.

To the committee on State Printing.

H. B. No. 555—To authorize the transfer of certain funds of the village of Oberlin.

To the committee on Finance.

On motion of Mr. Brown of Ross, S. B. No. 228 was taken from the table and ordered to be engrossed and read the third time on Tuesday next.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed H. B. No. 488, as amended.

WM. W. BEATTY,
H. V. KERR,
J. C. SCHENCK.

H. B. No. 488—To amend section one of an act entitled "An act for the establishment, support and regulation of Children's Homes in the several counties and District Children's Homes in this State, and to repeal certain acts therein named," passed and took effect March 22, 1876, (Ohio Laws, volume 73, page 64).

Was read the third time.

Mr. Johnston moved to refer the bill to a select committee of one with instructions to amend as follows:

Strike out of line seven, of section one, after the word "regular," the words, "or at any special."

Which was agreed to.

Mr. Johnston was appointed as such select committee.

Mr. Johnston, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 488, with instructions to amend, reports the same back amended as instructed.

J. R. JOHNSTON.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Miller, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Swan and Warnock—27.

So the bill passed. The title was agreed to.

S. B. No. 248—To amend section nine of an act entitled "An act supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852; passed April 15, 1867, (Swan & Sayler, 186), as amended February 25, 1869, (Ohio Laws, volume 66, page 14); as amended April 20, 1874. (Ohio Laws, volume 71, page 161); as amended April 11, 1876, (Ohio Laws, volume 73, page 188).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines of Preble, Hudson, Johnston, Kessler, Kleinschmidt, Knox, Miller, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stokes, Swan and Warnock—27.

The bill passed. The title was agreed to.

S. B. No. 271—To authorize the Trustees of Geneva township, Ashtabula county, to levy a tax and issue bonds for certain purposes therein named.

Was read the third time.

Mr. Burrows moved that the bill be referred to a select committee of one with instructions to amend as follows:

Strike out in section two, lines five and six, the following words: "the Genesee *Times*, a paper of general circulation in said township," and insert in lieu thereof: "any paper of general circulation in said township."

Which was agreed to.

Mr. Burrows was appointed such select committee.

Mr. Burrows, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 271, with instructions to amend, reports the same back amended as instructed.

S. S. BURROWS.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Haines of Preble, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Miller, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stokes, Swan and Warnock—28.

The bill passed. The title was agreed to.

H. B. No. 479—To authorize the removal of drift timber and other obstructions from the natural channel of streams, and to protect lands from overflow.

Was read the third time.

On motion of Mr. Johnston, the bill was laid on the table.

Mr. Schenck, on leave, offered the following joint resolution:

S. J. R. No. 42—*Be it resolved by the General Assembly*, That the Secretary of State be authorized and instructed to purchase two maps of the State of Ohio, the largest size published, and properly mounted; one for the use of the Senate, and one for the use of the House of Representatives.

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Haines of Preble, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Miller, Owens, Philson, Ransom, Schenck, Sheridan, Spangler, Stanton, Swan and Warnock—24.

So the resolution was adopted.

Mr. Bates asked and obtained leave of absence for Mr. Monahan until Tuesday next.

On motion of Mr. Curtiss, the Senate took a recess.

THREE O'CLOCK P. M.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of
S. B. No. 277—Mr. Stanton—Prescribing the fees of county treasurers.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 561—Mr. Dalzell—To authorize the Commissioners of Noble county to transfer money from the Bounty and Relief funds of said county to other funds of said county.

H. B. No. 541—Mr. Blake—To amend an act passed May 1, 1861, entitled "An act to provide for the creation and regulation of township agricultural societies."

H. B. No. 548—Mr. Dow—To amend section eleven of an act entitled "An act authorizing and regulating arbitrations," passed February 17, 1831, (S. & C., p. 80.)

H. B. No. 581—Mr. Entrekin—Authorizing the County Commissioners of Ross county to build a county jail, and to issue bonds therefor.

H. B. No. 540—Mr. Cowgill—To amend section twenty-four of an act for the relief of the poor, and to repeal certain acts therein named, passed April 12, 1876, (O. L., vol., 73, p. 233.)

H. B. No. 520—Mr. Watson—To authorize the Trustees of Bethel

township, Monroe county, Ohio, to levy a tax to pay a bounty to a volunteer.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

On motion of Mr. Swan—S. B. No. 132—To authorize and require the Board of Public Works to ascertain and locate all lands belonging to the State of Ohio within and adjacent to the Lewistown Reservoir, and to provide for the appraisement and sale thereof—was taken from the table.

The pending amendments were agreed to, and the bill ordered to be read the third time Tuesday.

The further consideration of H. B. No. 78—To secure to children the benefits of an elementary education—was postponed until Wednesday.

H. B. No. 528—For the relief of William Hodkinson, Treasurer of Parkman township, Geauga county, Ohio.

Was read the third time and laid upon the table.

Mr. Ransom, on leave, offered the following joint resolution:

S. J. R. No. 43—*Resolved*, That common honesty to the tax payer, the letter and spirit of the contract under which the great body of its indebtedness was assumed by the United States, and true financial wisdom, each and all demand the restoration of the silver dollar to its former rank as lawful money.

The resolution was referred to the committee on Finance.

The following bills were introduced, on leave, and read the first time:

S. B. No. 293—Mr. Warnock—To authorize the Board of County Commissioners of Champaign county, Ohio, to levy a tax for the purpose of paying the indebtedness of Champaign county agricultural society.

S. B. No. 294—Mr. Brown of Ross—To amend an act entitled "An act to amend an act fixing the rate of interest," passed January 12, 1824, passed February 18, 1848, (S. & C., p. 744.)

Mr. Johnston moved that the committee on Judiciary be discharged from the further consideration of S. B. No. 270.

Which was agreed to.

The bill was referred to the committee on Privileges and Elections.

The following bill was introduced, on leave, and read the first time:

S. B. No. 295—Mr. Ransom—To regulate the letting of contracts for doing of public work, and the better protection of mechanics.

Mr. Warnock submitted the following report:

The standing committee on Corporations other than Municipal, to whom was referred H. B. No. 189—To amend section forty-eight of the act entitled "An act to establish a code of civil procedure," passed March 11, 1853, (S. & C., 960.); (R. S. 632.), passed and took effect April 16, 1867, (Vol. 64, O. L., 230,) (S. & S., 541(—having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended.

In third line, strike out "these," and insert "those."

W. R. WARNOCK, GEO. W. ANDREWS,
J. R. JOHNSTON, R. STANTON.

The amendment was agreed to.

The bill was ordered to be engrossed and read the third time Tuesday.

On motion of Mr. Ault, H. B. No. 244 was taken from the table and ordered to be read the third time Thursday.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 465—Mr. Entrekin—For the relief of E. J. Nuckolds and sureties of Paint township, Ross county, Ohio.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 488—Mr. Oglevee—To amend section one of an act entitled "An act for the establishment, support and regulation of children's homes in the several counties and district children's homes in this State, and to repeal certain acts therein named," passed and took effect March 22, 1876, (Ohio Laws, volume 73, page 64.)

Attest: WM. LEONARD, *Clerk.*

Mr. Andrews submitted the following report:

The standing committee on Judiciary, to whom was referred Senate Bill No. 240—To authorize married women to make contracts separately or jointly with their husbands—having had the same under consideration, report it back without recommendation, and ask to be discharged from the further consideration of said bill.

GEO. W. ANDREWS, A. M. BURNS,
W. R. WARNOCK, C. J. SWAN.

The request of the committee was granted.

The bill was ordered to be engrossed and read the third time Wednesday.

On motion of Mr. Curtiss, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

SATURDAY, FEBRUARY 3, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. W. E. Moore.

The Journal was read and approved.

Bills were read the second time and referred as follows.

H. B. No. 548—To amend section eleven of an act entitled "An act authorizing and regulating abitrations," passed February 17, 1831, (S. & C., page 80).

To the committee on Judiciary.

H. B. No. 541—To amend an act passed May 1, 1861, entitled "An act to provide for the creation and regulation of township Agricultural Societies."

To the committee on Corporations other than Municipal.

H. B. No. 540—To amend section twenty-four of an act entitled "An act for the relief of the poor, and to repeal certain acts therein named," passed April 12, 1876, (O. L., Vol. 73, page 233).

To the committee on Judiciary.

H. B. No. 581—Authorizing the County Commissioners of Ross county to build a county jail, and to issue bonds therefor.

To the committee on Judiciary.

H. B. No. 561—To authorize the Commissioners of Noble county to transfer money from the bounty and relief funds of said county, to other funds of said county.

To the committee on Finance.

H. B. No. 520—To authorize the Trustees of Bethel township, Monroe county, Ohio, to levy a tax to pay a bounty to a volunteer.

To the committee on Military Affairs.

The following bill was introduced, on leave, and read the first time:

S. B. No. 296—Mr. Beatty—Supplementary and amendatory of the act entitled an act to amend sections 2, 4, and 24 of an act entitled "An act to preserve the purity of elections," passed March 20, 1841, (S. & C., 543, 544, 547), as amended by the acts of April 15, 1857, (Vol. 54, O. L., 136), May 30, 1864, (Vol. 61, O. L., 83), and April 15, 1867, (Vol. 64, O. L., 151), and to repeal the acts amendatory thereof and supplementary thereto, passed February 15, 1861, (Vol. 58, O. L., 17), May 30, 1864, (Vol. 61, O. L., 83), April 15, 1867, (Vol. 64, O. L., 151), and April 16, 1867, (Vol. 64, O. L., 228, 229), as amended April 17, 1868, (S. & S., 340).

By request of Mr. Andrews, leave of absence was granted Mr. Ransom until 10 o'clock A. M. Tuesday.

Mr. Spangler submitted the following report:

The standing committee on Roads and Highways, to whom was referred S. B. No. 268—To amend section twenty-eight of an act entitled "An act to amend section twenty-eight of an act relating to roads and highways, passed March 9, 1868, (S. & S., p. 668), as amended April 11, 1876, (O. L., vol. 73, p. 185), having had the same under consideration, report it back and recommend its passage.

A. Spangler, J. R. Johnston,
W. Sheridan, Jr., A. L. Brown.

The bill was ordered to be engrossed and read the third time Wednesday.

On motion of Mr. Kleinschmidt, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

Monday, February 5, 1877,—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. W. E. Moore.

The Journal was read and approved.

Mr. Philson presented the memorial of Drs. W. W. Jones, S. S. Gray and Wm. Carson, a committee of the American Medical Association, urging the necessity of establishing a State Board of Health in the State of Ohio.

Which was referred to the committee on Sanitary Laws and Regulations.

Mr. Beatty presented the petition of John P. Cost and 137 other citizens of Logan county, praying that the Adair Law be so amended as to change the law requiring notice to be given.

Which was referred to the committee on Temperance.

On motion of Mr. Johnston, the Senate took a recess.

THREE O'CLOCK P. M.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 616—Mr. Brunner—To prohibit saving institutions, savings banks, building institutions, or other societies, associations or corporataions from charging more than eight per cent. interest.

H. B. No. 617—Mr. Sherrick—To amend section 20, of an act entitled "An act for the relief of the poor, and to repeal certain acts therein named," passed April 12, 1876, (O. L., vol. 73, p. 233).

H. B. No. 618—Mr. Barclay—To amend section 29 of an act entitled "An act to amend the 29th section of an act entitled 'an act for the incorporation of townships,'" passed March 14, 1853, as amended and took effect April 29, 1854, passed March 20, 1866, as amended April 8, 1868, (O. L., vol. 65, p. 68), as amended by act passed March 23, 1869.

H. B. No. 619—Mr. Groom—Fixing the period of time for which constables shall be elected, and to amend section 8 of an act entitled "An act for the incorporation of townships," passed March 14, 1853, as amended February 10, and took effect May 1, 1857, (S. & C. 1565).

H. B. No. 620—Mr. Dirr—To amend section one of an act entitled "An act for the further protection of cemeteries in the State of Ohio."

H. B. No. 621—Mr. Quinby—To amend sections 21 and 22 of an act entitled "An act to prescribe the duties of County Auditors," passed April 4, 1859, (S. & C., p. 96), and to amend section 23 of the same act, as amended April 30, 1862, (S. & S., p. 28), by an act entitled "An act to amend an act prescribing the duties of County Auditors, passed April 30, 1862," and also to amend section 48 of the same act, as amended April 27, 1872, (O. L., 69 vol., p. 169), by an act entitled "An act to amend section 48 of an act prescribing the duties of County Auditors," passed April 4, 1859, as amended April 30, 1862.

H. B. No. 622—Mr. Eylar—To extend the time of paying the assessments upon the Rome and Mineral Springs free turnpike road, and to provide for a refunding of such bonds issued for the construction thereof as may be due and outstanding on the 20th day of June, 1877.

H. B. No. 623—Mr. Dirr—For the protection of the swan.

H. B. No. 624—Mr. Money—Supplementary to an act entitled "An act for the reorganization and maintenance of common schools," passed May 1, 1873, (O. L., vol. 70, pp. 195-240).

H. B. No. 625—Mr. Duncan—To authorize the Trustees of Canaan township, Morrow county, Ohio, to borrow money to enlarge and improve cemetery grounds.

H. B. No. 626—Mr. Dirr—To encourage the formation of water companies, and promote the introduction of water into towns and cities.

H. B. No. 627—Mr. Carson—To authorize the creation of a special school district in the township of Dinsmore, Shelby county, Ohio.

H. B. No. 628—Mr. Oglevee—Prescribing the fees of County Auditors.

H. B. No. 629—Mr. Messer—To extend the time for payment of school lands in section 16, Watterville township, Lucas county, Ohio.

H. B. No. 630—Mr. Hoagland—To authorize the County Commissioners of Holmes county to build a jail and Sheriff's residence.

Attest: WM. LEONARD, *Clerk.*

The following bills were introduced on leave, and read the first time:

S. B. No. 297—Mr. Bates—To amend section 200 of an act to establish a code of civil procedure, (S. & S., p. 550.)

S. B. No. 298—Mr. Warnock—To amend an act entitled "An act to amend the first section of an act entitled "An act relating to wills, and the repeal of former acts relating thereto," passed May 3, 1852, took effect June 1, 1852, (S. & C., 1615), passed March 30, 1874, (72 vol., p. 3).

Mr. Owens submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 269—To amend section 4 of an act entitled "An act to facilitate the administration of justice in Cuyahoga county," passed March 25 1875, (O. L., vol. 72, p. 105)—having had the same under consideration, report it back and recommend its passage.

JAS. W. OWENS, GEO. W. ANDREWS,
J. H. BATES, W. R. WARNOCK.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Miller moved that the Senate adjourn.

Which was disagreed to.

By request of Mr. Andrews, leave of absence was granted Mr. Ellis until to-morrow, at 3 o'clock p. m.

Mr. Johnston, on leave, offered the following resolution, which was adopted.

S. R. No. 76—*Resolved*, That the standing committee on Insurance be, and they are hereby requested to examine the statutes now in force, relating to life and fire insurance, and ascertain whether any additional legislation is needed to protect the policy holders from loss, and to report the result of their investigation by bill or otherwise.

On motion of Mr. Bates, the committee on Judiciary was discharged from further consideration of S. B. No. 274.

Said bill was referred to a select committee of four—the Senators from Hamilton county.

Mr. Spangler moved that the Senate adjourn.

Which was disagreed to.

Mr. Miller moved that the Senate adjourn until 10 o'clock and five minutes a. m., to-morrow.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 5, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Miller, Owens and Spangler—5.

Those who voted in the negative were—

Messrs. Brown of Ross, Burrows, Curtiss, Johnston, Kessler, Kleinschmidt, Knox, Philson, Reese, Rukenbrod, Schenck, Sheridan, Stokes, Warnock and Williams—15.

So the motion was disagreed to.

On demand of Mr. Hudson a call of the Senate was had.

Twenty-eight Senators answered to their names.

Senators absent were—

Messrs. Ault, Brown of Lucas, Haines of Carroll, Haines of Preble, Kent, Kerr, Lewis, Stanton and Swan—9.

On motion of Mr. Johnston, all further proceedings under the call were dispensed with.

Mr. Johnston offered the following resolution, which was adopted.

S. R. No. 77—*Resolved*, That the standing committee on State Buildings be, and they are hereby requested to inquire into the necessity and probable cost of constructing suitable crossings to the main approaches to the State House, and to report the result of their investigations at as early a day as practicable.

On motion of Mr. Schenck, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

TUESDAY, FEBRUARY 6, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. W. E. Moore.

The Journal was read and approved.

Mr. Brown of Ross presented the petition of Joseph Harper and 318 other citizens of Ross county, for the relief of Levi Pricer, which was laid on the table.

Bills were read the second time, and referred as follows:

S. B. No. 283—To divide the township of Richland, in Allen county, into two election precincts.

Referred to a select committee of one—Mr. Andrews.

S. B. No. 284—To authorize the Common Council of the village of Attica, in Seneca county, to transfer money.

To the committee on Municipal Corporations.

S. B. No. 285—To authorize the Board of Education of the city of Portsmouth to borrow money to build a school house, and issue bonds for the payment of the same.

To the committee on Common Schools.

S. B. No. 286—To regulate the fees of county Surveyors, and to repeal section one of an act to regulate the fees of county Surveyors, passed March 18, 1867.

To the committee on Fees and Salaries.

S. B. No. 287—For the better management of orphan asylums.

To the committee on Corporations other than Municipal.

S. B. No. 288—To amend section seven of an act entitled "An act establishing Boards of County Commissioners, and prescribing their duties." passed March 12, 1853, as amended March 30, 1868, (Swan & Sayler, page 89).

To the committee on Judiciary.

S. B. No. 289—To authorize the Council of the incorporated village of West Cleveland, Ohio, to issue bonds to the amount of fourteen thousand dollars, for the purpose of grading Detroit street, and building a culvert under the Lake Shore and Michigan Southern railroad, at the intersection of Lake avenue.

To committee on Municipal Corporations.

S. B. No. 290—To amend sections 5, 6 and 10 of an act entitled "An act to protect certain birds and game, and to protect land owners and punish trespassing upon improved or enclosed land, and to repeal certain statutes therein designated," passed April 20, 1874, (Ohio Laws, volume

71, page 149), and amended April 11, 1876, (Ohio Laws, volume 73, page 216).

To the committee on Municipal Corporations.

S. B. No. 291—To provide for obtaining and publishing reports of banks, savings institutions, and trust companies, organized under the laws of this State.

To the committee on Finance.

S. B. No. 292—To change the subdivisions of the Eighth Judicial District; to create an additional subdivision thereof in the State of Ohio, and the election of an additional Judge therein.

To the committee on Judiciary.

S. B. No. 293—To authorize the Board of County Commissioners of Champaign county, Ohio, to levy a tax for the purpose of paying the indebtedness of the Champaign county Agricultural Society.

To the committee on Corporations other than Municipal.

S. B. No. 294—To amend an act entitled "An act to amend an act fixing the rate of interest, passed January 12, 1824, passed February 18, 1848, (Swan & Critchfield, page 744).

To the committee on Finance.

S. B. No. 295—To regulate the letting of contracts for the doing of public work and the better protection of mechanics.

To the committee on Public Works.

Leave of absence was granted Mr. Swan until 3 o'clock P. M., Tuesday.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined, and found correctly engrossed, Senate Bills Nos. 132, 240, 268, 269 and House Bill No. 189.

WM. W. BEATTY,
J. C. SCHENCK,
JAMES W. OWENS.

S. B. No. 132—To authorize and require the Board of Public Works to ascertain and locate all lands belonging to the State of Ohio, within and adjacent to the Lewistown reservoir, and to provide for the appraisment and sale thereof.

Was read the third time.

The further consideration of said bill was postponed until 3 o'clock P. M. to-morrow.

H. B. No. 189—To amend section forty-eight of the act entitled an act to establish a code of civil procedure, passed March 11, 1853, (Swan & Critchfield, Swan's R. S., 632), passed and took effect April 16, 1867, (64th volume statutes, 230. Swan & Sayler, page 541).

Was read the third time.

The further consideration of said bill was postponed until 3 o'clock P. M., to-day.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed S. B. No. 228.

WM. W. BEATTY, JAMES W. OWENS,
H. V. KERR, J. C. SCHENCK.

S. B. No. 228—For the relief of Levi Pricer.

Was read the third time.

Mr. Brown of Ross moved that the bill be referred to a select committee of one with instructions to amend as follows:

In line eight, between the woods "general" and "or," insert "township."

Which was agreed to.

Mr. Brown of Ross was appointed such select committee.

Mr. Brown of Ross, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 228, with instructions to amend, reports the same back amended as instructed.

S. S. Brown.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 28, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Warnock and Williams—28.

Mr. Burns voted in the negative—1.

So the bill passed. The title was agreed to.

On motion of Mr. Burrows, H. B. No. 528 was taken from the table.

The question being, "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 26, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Warnock and Williams—26.

Mr. Burns voted in the negative—1.

The bill passed. The title was agreed to.

On motion of Mr. Monahan, the Senate took a recess.

THREE O'CLOCK P. M.

Mr. Bates, on leave, filed with the Clerk the answer of Judson Harmon, in the case of Cox against Harmon.

H. B. No. 244—To authorize the creation of a Special Joint School District, composed of parts of Clay and Jackson townships, Knox county, Ohio.

Was read the third time.

On motion of Mr. Stickney, said bill was laid on the table.

S. B. No. 269—To amend section four of an act entitled "An act to facilitate the administration of justice in Cuyahoga county," passed March 25, 1875, (Ohio Laws, volume 72, page 105).

Was read the third time.

The question being, "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates. Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines of Carroll, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Knox, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Warnock and Williams—30.

So the bill passed. The title was agreed to.

The following bills were introduced, on leave, and read the first time:

S. B. No. 299—Mr. Rukenbrod—To amend section eight of an act entitled "An act to prevent cruelty to animals, and to provide for the organization of associations or societies for the prevention of cruelty to animals, and to repeal certain acts herein named.

S. B. No. 300—Mr. Monahan—To provide for an Inebriate's Home.

S. B. No. 301—Mr. Brown of Lucas—To prevent and punish frauds in securing extension on debts, and release of one debtor and substitution of another.

S. B. No. 302—Mr. Kessler—To amend section one of an act to protect the election of voluntary political associations, and punish frauds therein, as passed April 20, 1874, (O. L., Vol. 71, p. 104).

S. B. No. 303—Mr. Beatty—To amend an act entitled "An act supplementary to the act to provide for the organization of cities and incorporated villages, passed May 3, 1852, passed and took effect April 3, 1857, (O. L., Vol. 54, p. 85).

Mr. Warnock submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 251—To punish the practice of resorting to distant courts to oppress citizens of Ohio and deprive them of their rights under the statutes of Ohio, having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

In section one, line five, strike out the word "send" and insert "institute."

In line six strike out the words "sent" and "out," and insert "instituted outside."

In line six, after "Ohio," insert, "Any suit or proceeding upon."

In line six strike out "debt" and insert "indebtedness."

In section two, line two, strike out "send" and insert, "institute or cause to be instituted, any suit or proceeding upon."

In same line strike out "debt" and insert "indebtedness."

In line three strike out "debt" and insert "indebtedness."

In same line, between the words "of" and "such," insert the word "collecting."

In line four, section two, strike out the word "debt" and insert "indebtedness."

J. H. Bates, W. R. Warnock,
James W. Owens, Geo. W. Andrews,
A. M. Burns.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Bates submitted the following report:

The standing committee on Privileges and Elections, to whom was referred H. B. No. 480—To divide Aurelius township, Washington county, into two election precincts—having had the same under consideration, report it back and recommend its passage.

J. H. Bates, J. R. Johnston,
H. Kessler, J. B. Williams,
M. Kent.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 30, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Warnock and Williams—30.

The bill passed. The title was agreed to.

On motion of Mr. Bates, H. B. No. 189 was taken from the table.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 30, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Warnock and Williams—30.

So the bill passed. The title was agreed to.

On motion of Mr. Andrews, S. B. No. 259 was taken from the table.

The substitute was agreed to.

The bill was ordered to be engrossed at the Clerk's desk and read the third time.

The bill was read the third time.

Mr. Kessler moved that the Senate adjourn.

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 15, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Burns, Ellis, Hudson, Johnston, Kent, Kerr, Lewis, Miller, Owens, Ransom, Reese, Sheridan and Stickney—15.

Those who voted in the negative were—

Messrs. Beatty, Brown of Ross, Burrows, Curtiss, Haines of Carroll, Kessler, Kleinschmidt, Knox, Monahan, Philson, Rukenbrod, Spangler, Stokes, Warnock and Williams—15.

So the bill was lost.

On motion of Mr. Owens, said vote was reconsidered, and the bill laid on the table.

The following bill was introduced, on leave, and read the first time:

S. B. No. 304—Mr. Lewis—Supplementary to an act to "provide for the sale of three several tracts of Moravian lands, in the county of Tuscarawas," passed March 20, 1840, (Local laws, Vol. 38, p. 164).

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution in which the concurrence of the Senate is requested:

H. J. R. No. 83—Mr. Carson—Directing the Supervisor of Public Printing to print additional copies of the report of Commissioner of Common Schools.

Attest: WM. LEONARD, *Clerk.*

The question being on the adoption of said resolution, the yeas and nays were taken, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Warnock and Williams—28.

So the resolution was adopted.

On motion of Mr. Kessler, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

WEDNESDAY, FEBRUARY 7, 1877—10 o'clock, A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. W. E. Moore.

The Journal was read and approved.

S. B. No. 296—Mr. Beatty—Supplementary and amendatory of the act entitled "An act to amend sections two, four and twenty-four of an act entitled 'An act to preserve the purity of elections,'" passed March 20, 1841, (Swan & Critchfield, 543, 544, 547), as amended by the acts of April 15, 1857, (volume 54, Ohio Laws, 136), May 30, 1864, (volume 61, Ohio Laws, 83), and April 15, 1867, (volume 64, Ohio Laws, 151), and to repeal the acts amendatory thereof and supplementary thereto, passed February 15, 1861, (volume 58, Ohio Laws, 17), May 30, 1864, (volume 61, Ohio Laws, 83), April 15, 1867, (volume 64, Ohio Laws, 151), and April 16, 1867, (volume 64, Ohio Laws, 228, 229), as amended April 17, 1868, (Swan & Sayler, 340).

Was read the second time and referred to the committee on Fees and Salaries.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 544—Mr. Johnston—For the relief of John Mizer and his sureties.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 631—Mr. Wales—To authorize the council of the incorporated village of Lebanon, Warren county, Ohio, to contract for the building of, and to build a Public Hall, Corporation Prison and Corporation Offices connected therewith, as provided for by the resolutions and ordinances passed by the council of said village, and to execute, issue and

sell the bonds authorized to be executed, issued and sold by an ordinance of said village, passed January 18, 1875.

H. B. No. 632—Mr. Richards—To authorize cities of the first and second classes to establish Kindergarten Schools.

H. B. No. 633—Mr. Hostetter—To amend section seven of "An act to authorize the County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act named therein," as passed March 29, 1867, (O. L., Vol. 64, p. 83); as amended April 11, 1876, (O. L., Vol. 73, p. 169).

H. B. No. 634—Mr. Blake—To provide for the payment of the contractors for construction of the stone-masonry, cut stone and brick-work of the Columbus Hospital for Insane.

H. B. No. 635—Mr. Krimmel—To amend section 35 of an act entitled "An act of the jurisdiction and procedure before Justices of the Peace, and of the duties of Constables in civil Courts," (S. & C., 769).

H. B. No. 636—Mr. Tryon—To create township supervisors of roads, to define their powers and duties, and to repeal certain acts therein named.

H. B. No. 637—Mr. Barclay—To amend section 24 of an act to regulate the fees of Probate Judges, Clerks of Courts, Sheriffs, witnesses, jurors, fees in partition, and to repeal certain acts therein named.

H. B. No. 638—Mr. Stone—Relative to prison labor.

H. B. No. 639—Mr. Stryker—For the better security of head contractors, sub contractors and material men, and to repeal certain acts therein named.

H. B. No. 640—Mr. Millikan—To repeal an act herein named.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 641—Mr. Cowgill—To amend section 1 of act supplementary to an act to provide for the division of townships into election precincts, passed March 14, 1853, passed April 12, 1858, (S. & C., p. 1575).

H. B. No. 642—Mr. Stryker—To provide for the erection of a bridge over Mill Creek at Liberty Street, in Hamilton county.

H. B. No. 643—Mr. Kemp—To establish the Ohio House of Dicipline.

H. B. No. 644—Mr. Nigh—To authorize the board of education of Perry township, Lawrence county, to levy a tax to pay the indebtedness of said township, incurred in the erection of a school house.

H. B. No. 645—Mr. Groom—To amend section 54 of an act to provide for the organization and government of municipal corporations, passed May 7, 1869, (O. L., vol. 66, p. 149).

H. B. No. 646—Mr. Groom—To amend the act entitled "An act authorizing County Commissioners to purchase portions of turnpikes," passed April 11, 1876, (O. L., vol., 73, p. 220).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 574—Mr. Goebel—To create the office of court interpreter in certain judicial districts.

H. B. No. 606—Mr. Duncan—To authorize the town council of the incorporated village of Mt. Gilead, to levy additional taxes to complete a town hall.

H. B. No. 587—Mr. Barrett—Relative to the payment of certain bonds of the city of Xenia.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution in which the concurrence of the Senate is requested:

H. J. R. No. 76—Mr. Williams—Requiring all claims for expenses incurred by the several committees of the House and Senate to be presented to the standing committee on Claims, in either body for examin ation and approval.

Attest: WM. LEONARD, *Clerk.*

Referred to the committee on Public Expenditures.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution in which the concurrence of the Senate is requested:

H. J. R. No. 82—Mr. Howland—Directing the Auditor of State and Attorney-General to adjust the claim of William M. Ampt, Esq., of Cincinnati, provided he complies with certain conditions herein mentioned.

Attest: WM. LEONARD, *Clerk.*

Referred to the committee on Judiciary.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution in which the concurrence of the Senate is requested:

H. J. R. No. 81—Mr. Hitchcock—Authorizing the Attorney-General to appear in the suit of the Pullman Palace Car Company vs. the Treasurer of Clinton county.

Attest: WM. LEONARD, *Clerk.*

The question being on the adoption of the said resolution, the yeas and nays were taken, and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—
Messrs. Ault, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Philson, Ransom, Schenck, Sheridan, Spangler, Stickney, Stokes, Warnock and Williams—26.
So the resolution was adopted.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:
The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:
Substitute for H. B. No. 588—From the Committee on Corporations other than Municipal—To provide for the incorporation of farm laborers' associations.
Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.
S. B. No. 240—To authorize married women to make contracts separately or jointly with their husbands.
Was read the third time.
Mr. Kent moved to refer the bill to a select committee of one, with instructions to amend as follows:
Strike out after the word "woman," in section one, line two, the words "with the knowledge or consent of her husband."
Which was agreed to.
Mr. Kent was appointed such select committee.
Mr. Kent, on leave, submitted the following report:
The select committee of one to whom was referred S. B. No. 240 with instructions to amend, reports the same back amended as instructed.
M. KENT.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 23, nays 1, as follows:
Those who voted in the affirmative were—
Messrs. Beatty, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Philson, Ransom, Schenck, Sheridan, Spangler, Stickney, Stokes and Williams—23.
Mr. Warnock voted in the negative—1
The bill passed. The title was agreed to.
S. B. No. 268—To amend section twenty-eight of an act entitled "An act to amend section twenty-eight of an act relating to roads and highways," passed March 9, 1868, (Swan & Sayler, page 668), as amended April 11, 1876. (Ohio Laws, vol. 73, page 185).
Was read the third time.
The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 26, nays none, as follows:
Those who voted in the affirmative were—
Messrs. Andrews, Ault, Bates, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Philson, Schenck, Sheridan, Spangler, Stickney, Stokes, Warnock and Williams—26.

The bill passed. The title was agreed to.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed, S. B. No. 251.

WM. W. BEATTY,
J. C. SCHENCK,
H. V. KERR.

On motion of Mr. Johnston the order whereby—

S. B. No. 251—To punish the practice of resorting to distant courts to oppress citizens of Ohio and deprive them of their rights under the statutes of Ohio, was set for third reading, was discharged.

The bill was ordered to be read the third time to-morrow.

On motion of Mr. Johnston H. B. No. 479 was taken from the table.

The question being on the passage of the bill.

Mr. Johnston moved that said bill be referred to a select committee of one with instructions to amend as follows:

In line eleven of section two, between the words "notice and "to," insert the words "in writing."

In line thirteen, of same section, after the word "petition," insert the following: "Which notice shall be served not less than five days before the day fixed for the hearing thereof."

Which was agreed to.

Mr. Johnston was appointed such select committee.

Mr. Johnston, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 479, with instructions to amend, reports the same back amended as instructed.

J. R. JOHNSTON.

The question recurring, "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Miller, Monahan, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Warnock and Williams—29.

So the bill passed. The title was agreed to.

On motion of Mr. Ransom the order whereby—

H. B. No. 78—To secure to children the benefits of an elementary education, was set for third reading to-day, was discharged.

The bill was made the special order for 10 o'clock A. M. to-morrow.

The following bills were introduced, on leave, and read the first time:

S. B. No. 305—Mr. Curtiss—To amend section one of an act entitled "An act to authorize the consolidation of railroad companies in this State with railroad companies of States adjoining, in certain cases, and to authorize railroad companies in this State to extend their roads into adjoining States," passed April 10, 1856, (S. & C. 327), as the same was amended by the act of May 6, 1869, (66 O. L. 127); and also to amend section two of the aforesaid act, passed April 10, 1856.

S. B. No. 306—Mr. Burns—To revise, amend, and consolidate the statutes.

On motion of Mr. Andrews the Senate took a recess.

THREE O'CLOCK P. M.

The following bill was introduced, on leave, and read the first time:

S. B. No. 307—Mr. Rukenbrod—To regulate the speed of locomotives and cars within the corporation limits of any city, town or village.

The special order for the hour, S. B. No. 132—To authorize and require the Board of Public Works to ascertain and locate all lands belonging to the State of Ohio within and adjacent to the Lewistown Reservoir, and to provide for the appraisement and sale thereof.

Was taken up for further consideration and read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 24, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kent, Kessler, Kleinschmidt, Knox, Miller. Monahan, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Warnock and Williams—24.

Mr Andrews voted in the negative—1.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 85—Mr. Scheble—Directing the Superintendent of the State House to construct shelving in room 91, for the use of the Clerk of the Supreme Court.

Attest: WM. LEONARD, *Clerk.*

Referred to the committee on State Buildings.

Mr. Hudson submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 513—"To authorize the Trustees of the township of New London, in the county of Huron, and State of Ohio, to issue bonds for the payment of its debt incurred in building a town hall"—having had the same under consideration, report it back, and recommend its passage.

JNO. H. HUDSON, H. W. CURTISS,
ELIAS ELLIS, J. H. BATES,
A. R. HAINES.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnson, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Philson, Rukenbrod, Schenck, Sheridan, Stickney, Stokes, Warnock and Williams—26.

So the bill passed. The title was agreed to.

Mr. Knox submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 561—Authorizing the Commissioners of Noble county to transfer money

from the Bounty and Relief Funds, of said county, to other funds of said county—having had the same under consideration, report it back, and recommend its passage.

SAMUEL KNOX, H. W. CURTISS,
JNO. H. HUDSON, ELIAS ELLIS,
J. H. BATES, A. R. HAINES.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Philson, Rukenbrod, Schenck, Sheridan, Stickney, Stokes, Warnock and Williams—26.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 599—Mr. Dalzell—To refund the interest paid by James Eakin, ex-commissioner of Noble county, Ohio, on moneys borrowed for use of said county.

H. B. No. 604—Mr. Garwood—To authorize the Trustees of Paris township, Union county, Ohio, to join with the council of the incorporated village of Marysville, Ohio, in the purchase of grounds for cemetery purposes, and to levy a tax, issue bonds, and borrow money to pay therefor.

H. B. No. 570—Mr. Quinby—To authorize the village council of the incorporated village of Wilmington, Clinton county, Ohio, to raise money to build a town hall and engine house.

H. B. No. 600—Mr. Converse—To authorize the city council of the city of Columbus to levy a tax and build a police station.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 244—Mr. Kent—To authorize the council of the incorporated village of Kent, Ohio, to make a private contract for the construction of additions to stone bridge, proposed to be built by the commissioners of Portage county, Ohio, across the Cuyahoga river, in said village, to issue bonds and borrow money, and to levy a tax to pay said bonds.

S. B. No. 182—Mr. Brown of Ross—To repeal section twenty of an act entitled an act to regulate incorporated companies, passed February 11, 1848 (S. & C., p. 271,) and section nineteen of an act to provide for the creation and regulation of incorporated companies, in the State of Ohio, passed May 1, 1852. (S. & C., p. 271.)

Attest: WM. LEONARD, *Clerk.*

Mr. Bates submitted the following report:

The standing committee on Railroads and Telegraphs to whom was referred S. B. No. 273—To amend section nine of an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, (S. & C., vol. 1, page 276,) and re-enacted by section three of an act entitled an act to provide for and regulate street railroad companies, passed and took effect April 10, 1861, (S. & S. page 134), having had the same under consideration report it back with the following substitute, which they recommend be passed:

Substitute for S. B. No. 273—Mr. Brown of Lucas—Supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, (S. & C., vol. 1, page 276), and re-enacted by section three of an act entitled an act to provide for and regulate street railway companies, passed and took effect April 10, 1861. (Swan & Sayler, page 134.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of the above recited act, passed May 1, 1852, be amended so as to read as follows:

SEC. 3. That sections five, six, seven, eight and fourteen, of an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, and adopted and made to be a part of this act; provided, that when the words "action of debt" are used in said act, the same shall be taken and construed to be civil action, and that where public notice is required to be given, the same shall be by publication in a newspaper, published in the city, town or village where the street railroad, or one part and terminus thereof shall be located, and that such companies may borrow money at a rate of interest not exceeding eight per cent. per annum, and may execute a deed of mortgage or other instrument of writing to secure the payment of the loan of money so made, or the notes, bonds, or other evidences of indebtedness that may be so issued therefor, which said mortgage or other instrument of writing, may include the personal as well as the real property, and the franchises, including the franchise of being a corporation of said company; said mortgage or other instrument of writing, shall be recorded in the office of the Recorder of the county in which said railroad is located.

SEC. 2. That the persons named in said certificate of incorporation or any three of them, shall be authorized to order books to be opened for receiving subscriptions to the capital stock of said company, at such time or times, and such place or places, as they may deem expedient, after having given at least thirty days' notice in a newspaper published or generally circulated in one or more counties where books of subscription are to be opened, of the time or place of opening books; and so soon as ten per centum on the capital stock shall be subscribed, they may give notice for the stockholders to meet, at such time and place as they may designate, for the purpose of choosing not less than three nor more than seven directors, as may be determined by the stockholders of said company, who shall continue in office until the time fixed for the annual election, and until their successors are chosen and qualified. At the time and place appointed, the directors shall be chosen by ballot, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy. Each share shall entitle the owner to one vote, and a plurality of votes shall be necessary for a choice; but after the first election of directors, no person shall vote on any share on which any installment is due and unpaid.

The persons named in such certificate, or such of them as may be present shall be inspectors of such election, and certify what persons are elected directors, and appoint the time and place for holding their first meeting. A majority of said directors shall form a board and be competent to fill vacancies in their board, make by-laws, and transact all business of the corporation. A new election shall be annually held for directors, at such time and place as the stockholders, at their first meeting shall determine, or as the by-laws of the corporation may require; and the directors chosen at any election shall, so soon thereafter as may be convenient, choose one of their number to be president, and shall appoint a secretary and treasurer of the corporation. The directors, before entering on their duties, shall each take an oath or affirmation faithfully to discharge his duties, and they shall, from time to time, make such dividends of the profits of said company as they may think proper.

SEC. —. That said section three be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

M. KENT, J. H. BATES,
T. P. BROWN, E. T. STICKNEY.

The substitute was agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Knox, submitted the following report:

The standing committee on Finance to whom was referred S. J. R. No. 39—Authorizing the release of Thomas H. Farmilton, treasurer of special school district No. One, Lafayette township, Coshocton county, from payment of certain money, having had the same under consideration, report it back and recommend its indefinite postponement.

SAMUEL KNOX, H. W. CURTISS,
JNO. H. HUDSON, ELIAS ELLIS,
J. H. BATES, A. R. HAINES.

The resolution was indefinitely postponed.

Mr. Andrews submitted the following report:

The select committee of one, to whom was referred S. B. No. 283—To divide the township of Richland, in Allen county, into two election precints, reports it back and recommends its passage.

G. W. ANDREWS.

The bill was ordered to be engrossed at the Clerk's desk and read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Warnock and Williams—26.

So the bill passed. The title was agreed to.

Mr. Ellis submitted the following report:

The standing committee on Finance to whom was referred H. B. No. 499—To authorize the city council of the city of Hamilton to transfer

certain funds, having had the same under consideration, report it back and recommend its passage.

ELIAS ELLIS, J. H. BATES,
JNO. H. HUDSON, H. W. CURTISS,
SAMUEL KNOX.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Warnock and Williams—26.

The bill passed. The title was agreed to.

Mr. Lewis moved that H. B. No. 544 be returned to the House of Reprentatives and that the clerk of that body be requested to explain why said bill again comes before the Senate for consideration, the same having been passed by the Senate on January 25, 1877.

Which was agreed to, and a messenger sent to the House returning the bill.

Mr. Lewis presented the petition of A. L. Neely and the bar of Tuscarawas county.

Which was referred to the committee on Judiciary.

Mr. Schenck presented the petition of many citizens of West Cleveland, county of Cuyahoga.

Which was referred to the committee on Municipal Corporations.

Mr. Rukenbrod presented the petition of Eliphas Cope and thirty-two other citizens of Columbiana county, asking an amendment to the school law, so as to specify the duties of school boards in regard to the custody of school property, especially during vacations, and to the letting or prohibiting the same for uses other than school purposes.

Which was referred to the committee on Common Schools.

Mr. Lewis submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bill:

S. B. No. 277—Prescribing the fees of county treasurers.

E. C. LEWIS, H. V. KERR,
T. P. BROWN, E. L. LYBARGER,
J. W. WASHBURN, THOS. S. LUCCOCK.

Mr. Rukenbrod presented the remonstrance of Geo. D. Hunt and forty-three other citizens of Columbiana county, against the passage of any law authorizing the appointment of commissioners to compile or prepare a series of text or school books, believing that teachers, school patrons and school boards can select such books from those now before the public, with more satisfaction than those forced upon them by legislation.

Which was referred to the committee on Common Schools.

On motion of Mr. Philson, the Senate adjourned.

Attest: J. C. DONALDSON *Clerk.*

THURSDAY, FEBRUARY 8, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.
Prayer by Rev. W. E. Moore.
The Journal was read and approved.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives insists on its amendments to—
S. B. No. 138—Mr. Kent—To amend an amendment to the section of an act supplementary to an act making certain instruments of writing negotiable, passed February 25, 1820, and as amended March 26, and took effect June 20, 1861; passed and took effect March 17, 1875, (O. L., vol. 72, p. 62,) and asks for a committee of conference.

Attest: WM. LEONARD, *Clerk.*

On motion of Mr. Kent the request of the House was acceded to.
The President appointed Messrs. Kent, Stanton and Bates as members of such committee on part of the Senate.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—
H. B. No. 189—Mr. Monahan—To amend section forty-eight of the act entitled "An act to establish a code of civil procedure," passed March 11, 1853, (S. & C., Swan's R. & S. 632,) passed and took effect April 16, 1867, (64 vol. stat. 230,) (S. & S., p. 541.)

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:
H. B. No. 647—Mr. Lybarger—To authorize the election of one additional Judge of the Court of Common Pleas in the third sub-division of the sixth judicial district of the State of Ohio.
H. B. No. 648—Mr. Bowen—To regulate the fees of county treasurers.
H. B. No. 649—Mr. Haley—To authorize the Hardin County Agricultural Society to sell the fair grounds of said county to pay its debts.
H. B. No. 650—Mr. Dalzell—For the relief of Henry Ahrendts, treasurer of Jefferson township, Noble county, Ohio.
H. B. No. 651—Mr. Garwood—To authorize the town council of the incorporated village of Marysville, Union county, to transfer certain funds from the cemetery fund to the street fund.
H. B. No. 652—Mr. Barnett—To prohibit places for recording bets or selling pools.
H. B. No. 653—Mr. Fenton—To create a special school district in the township of Dover, in the county of Fulton.
H. B. No. 654—Mr. Kemp—To amend section nine of an act entitled

"An act to amend sections 24, 29, 40, 41, 42, 44 and 45 of an act entitled 'an act for the assessment and taxation of property in this State, and for levying taxes thereon according to its true value in money,'" as amended April 7, 1863, passed and took effect May 8, 1868.

H. B. No. 655—Mr. Converse—Creating a special school district in Crane township, Wyandot county, Ohio, and to authorize the Board of Education to build a school house therein.

H. B. No. 656—Mr. Sherrick—To provide for securing life insurance policies.

H. B. No. 657—Mr. Zumstein—Amendatory of an act entitled "An act to authorize the Commissioners of Hamilton and Clermont counties to build a bridge over the Little Miami river, (O. L., vol. 73, p. 286.)

H. B. No. 658—Mr. Tryon—To authorize the trustees of Perry township, Lake county, to transfer the sum of seven hundred dollars, surplus building fund, to the road and township fund.

H. B. No. 659—Mr. Monahan—To authorize the transfer of certain funds therein named.

H. B. No. 660—Mr. Groom—For the protection of public papers and documents.

H. B. No. 661—Mr. Nigh—For the relief of Mears, Olhober & Co.

H. B. No. 662—Mr. Hawley—To amend an act entitled "An act to establish and maintain an Agricultural and Mechanical College in Ohio," passed March 22, 1870.

H. B. No. 663—Mr. Huberich—To amend section 661 of an act entitled "An act to provide for the organization of Municipal Corporations," passed May 7, 1869, and took effect July 1, 1869, (O. L., vol. 66, p. 261.)

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 222—Mr. Kerr—For the relief of P. M. Snell and G. L. McAdams.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 589—Mr. Perkins—To enable the trustees of Litchfield township, Medina county, Ohio, to carry out the provisions of an act entitled "An act to provide for a park at the center of Litchfield, in Medina county, Ohio," passed and took effect March 30, 1875.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

Mr. Burns moved that the further consideration of H. B. No. 78—To secure to children the benefits of an elementary education—be postponed until Wednesday, February 14, 1877.

Which was disagreed to.

Mr. Burns moved that the further consideration of said bill be postponed until 3 o'clock P. M., Wednesday, February 14.

Which was agreed to.

The bill was so postponed.

Bills were read the second time and referred as follows :

S. B. No. 297—To amend section two hundred of an act to establish a code of civil procedure, (Swan & Sayler, page 550.)

To the committee on Judiciary.

S. B. No. 298—To amend an act entitled "An act to amend the first section of an act entitled 'an act relating to wills, and the repeal of former acts relating thereto,'" passed May 3, 1852, took effect June 1, 1852, (Swan & Critchfield, 1615); passed March 30, 1874, (Ohio Laws, volume 72, page 3.)

To committee on Judiciary.

H. B. No. 574—To create the office of court interpreter in certain judicial districts.

To the committee on Judiciary.

H. B. No. 606—To authorize the town council of the incorporated village of Mt. Gilead, to levy additional taxes to complete a town hall.

To the committee on Municipal Corporations.

H. B. No. 587—Relative to the payment of certain bonds of the city of Xenia.

To the committee on Municipal Corporations.

H. B. No. 588—To provide for the incorporation of Farm Laborers' Association.

To the committee on Corporations other than Municipal.

H. B. No. 599—To refund the interest paid by James Eakin, ex-Commissioner of Noble county, Ohio, on moneys borrowed for use of said county.

To the committee on Finance.

H. B. No. 604—To authorize the trustees of Paris township, Union county, Ohio, to join with the council of the incorporated village of Marysville, Ohio, in the purchase of grounds for cemetery purposes, and to levy a tax, issue bonds and borrow money to pay therefor.

To the committee on Municipal Corporations.

H. B. No. 570--To authorize the village council of the incorporated village of Wilmington, Clinton county, Ohio, to raise money to build a town hall and engine house.

To the committee on Municipal Corporations.

H. B. No. 600—To authorize the city council of the city of Columbus to levy a tax and build a police station.

To the committee on Municipal Corporations.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed, S. B. No. 273.

WM. W. BEATTY,
J. C. SCHENCK,
H. V. KERR.

On motion of Mr. Schenck, S. B. No. 251—To punish the practice of resorting to distant courts to oppress citizens of Ohio and deprive them of their rights under the statutes of Ohio—was laid upon the table.

S. B. No. 273—To amend section nine of an act entitled an act to provide for the creation and regulation of incorporated companies in the

State of Ohio, passed May 1, 1852, (Swan & Critchfield, volume 1, page 276), and re-enacted by section three of an act entitled an act to provide for and regulate street railroad companies, passed and took effect April 10, 1861, (Swan & Sayler, page 134).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Warnock and Williams—29.

So the bill passed. The title was agreed to.

Mr. Brown of Lucas submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled, the following bills:

H. B. No. 528—For the relief of William Hodkinson, Treasurer of Parkman township, Geauga county, Ohio.

H. B. No. 189—To amend section forty-eight of the act entitled "An act to establish a code of civil procedure," passed March 11, 1853, (S. & C., R. S., 632), passed and took effect April 16, 1867, (64th Vol. Stat., 230; S. & S., page 541).

ASA TOBEREN, J. W. WASHBURN,
E. L. LYBARGER, THOS. S. LUCCOCK,
T. P. BROWN, E. C. LEWIS.

Mr. Brown of Lucas submitted the following report:

The joint committee on Enrollment, have examined, and found correctly enrolled, the following bills:

H. B. No. 561—To authorize the Commissioners of Noble county to transfer money from the bounty and relief fund of said county to other funds of said county.

H. B. No. 513—To authorize the Trustees of the township of New London, in the county of Huron, and State of Ohio, to issue bonds for the payment of its debt incurred in building a town hall.

E. L. LYBARGER, ASA TOBEREN,
THOS. S. LUCCOCK, J. W. WASHBURN,
H. V. KERR, T. P. BROWN,
E. C. LEWIS.

Mr. Brown of Lucas submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled, the following bill and joint resolution:

H. B. No. 480—To divide Aurelius township, Washington county, into two election precincts.

H. J. R. No. 81—Authorizing the Attorney-General to appear in the suit of the Pullman Car Company against the Treasurer of Clinton county.

J. W. WASHBURN, ASA TOBEREN,
E. L. LYBARGER, THOS. S. LUCCOCK,
T. P. BROWN, E. C. LEWIS.

Mr. Brown of Lucas submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled the following bills and joint resolution:

H. B. No. 465—For the relief of E. J. Nuckolds and sureties, of Paint township, Ross county, Ohio.

H. B. No. 488—To amend section one of an act entitled "An act for the establishment, support and regulation of Children's Homes in the several counties, and District Children's Homes in this State, and to repeal certain acts therein named, passed and took effect March 22, 1876, (O. L., Vol. 73, p. 64).

H. J. R. No. 83—Directing the Supervisor of Public Printing to print additional copies of the report of the Commissioner of Common Schools.

E. L. Lybarger, J. W. Washburn,
Thos. S. Luccock, Asa Toberen,
H. V. Kerr, T. P. Brown,
E. C. Lewis.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and joint resolution:

H. B. No. 465—Mr. Entrekin—For the relief of E. J. Nuckolds and sureties, Treasurer of Paint township, Ross county, Ohio.

H. B. No. 561—Mr. Dalzell—To authorize the Commissioners of Noble county to transfer money from the county and relief funds of said county.

H. B. No. 513—Mr. Bogardus—To authorize the Trustees of the township of New London, in the county of Huron, and State of Ohio, to issue bonds for the payment of its debt incurred in building a town hall.

H. B. No. 488—Mr. Oglevee—To amend section one of an act entitled "An act for the establishment, support and regulation of Children's Homes in the several counties, and Children's Home Districts in this State, and to repeal certain acts therein named," passed and took effect March 22, 1876, (O. L., Vol. 73, p. 641).

H. J. R. No. 83—Mr. Carson—Directing the Supervisor of Public Printing to print additional copies of the report of the Commissioner of Common Schools.

Attest: Wm. Leonard, *Clerk.*

The President, *pro tem.*, in presence of the Senate signed said bills and joint resolution.

Mr. Brown of Lucas submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled, the following bills:

S. B. No. 182—To repeal section twenty of an act entitled "An act to regulate incorporated companies," passed February 11, 1848, (S. & C., page 271), and section nineteen of an act entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, (S. & C., page 271).

S. B. No. 244—To authorize the Council of the incorporated village of Kent, Ohio, to make a private contract for the construction of additions to stone bridge, proposed to be built by the Commissioners of Portage

county, Ohio, across the Cuyahoga river, in said village, to issue bonds and borrow money, and to levy a tax to pay said bonds.

T. P. Brown, E. C. Lewis,
E. L. Lybarger, Thos. S. Luccock,
J. W. Washburn, Asa Toberen.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has appointed Messrs. Howland, Johnson and Boyce as a committee of conference on matters of difference between the two Houses on

S. B. No. 138—Mr. Kent—To amend an amendment to the second section of an act entitled an act supplementary to an act making certain instruments of writing negotiable, passed February 25, 1820, and as amended March 26, and took effect June 2, 1861, passed and took effect March 17, 1875.

Attest: Wm. Leonard, *Clerk.*

Mr. Kessler submitted the following report:

The standing committee on Municipal Corporations, to whom was referred S. B. No. 284—To authorize the Common Council of the village of Attica, in Seneca county, to transfer money– having had the same under consideration, report it back and recommend its passage.

A. M. Burns, J. C. Schenck,
T. P. Brown, H. Kessler.

The bill was ordered to be engrossed and read the third time Wednesday.

Mr. Andrews submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 470—To facilitate the administration of justice in the third subdivision of the fifth judicial district in the State of Ohio—having had the same under consideration, report it back without recommendation, and ask to be discharged from its further consideration.

J. H. Bates, A. M. Burns,
Geo. W. Andrews, W. R. Warnock.

The bill was ordered to be read the third time.

The bill was read the third time.

Mr. Ellis moved that the bill be indefinitely postponed.

On which motion the yeas and nays were demanded, taken and resulted—yeas 25, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Caines of Carroll, Kessler, Keinschmidt, Knox, Miller, Monahan, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stokes, Warnock and Williams—25.

Messrs. Hudson and Lewis voted in the negative—1.

So the bill was indefinitely postponed.

Mr. Schenck submitted the following report:

The standing committee on Municipal Corporations, to whom was referred S. B. No. 289—To authorize the Council of the incorporated village of West Cleveland, Ohio, to issue bonds to the amount of fourteen

thousand dollars, for the purpose of grading Detroit street, and building a culvert under the Lake Shore and Michigan Southern railroad at the intersection of Lake Avenue—having had the same under consideration, report it back, and recommend its passage.

A. M. BURNS, H. KESSLER,
T. P. BROWN, WM. MILLER,
J. C. SCHENCK.

The bill was ordered to be read the third time.

The bill was read the third time.

Mr. Schenck moved that the bill be referred to a select committee of one with instructions to amend as follows:

Insert before section one the following:

WHEREAS, The village of West Cleveland had already expended nineteen thousand dollars on grading and improving Lake Avenue and Detroit street before the Burns Law came into force; and,

WHEREAS, Said corporation was about contracting for the finishing of said grading and building a culvert under a railroad when said bill took effect, and,

WHEREAS, No relief by the General Assembly would cause great hardship to said corporation; therefore.

Which was agreed to.

Mr. Schenck was appointed as such select committee.

Mr Schenck, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 289, with instructions to amend, reports the same back amended as instructed.

J. C. SCHENCK.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kessler, Kleinschmidt, Knox, Monahan, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Warnock and Williams—23.

So the bill passed. The title was agreed to.

Mr. Burns submitted the following report:

The standing committee on Military Affairs, to whom was referred H. B. No. 520—To authorize the Trustees of Bethel township, Monroe county, Ohio, to levy a tax to pay a bounty to a volunteer—having had the same under consideration, report it back, and recommend its passage.

A. M. BURNS, J. H. BATES,
A. L. BROWN, J. R. PHILSON,
GEO. W. ANDREWS, ELIAS ELLIS.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kent, Klein-

schmidt, Knox, Lewis, Lewis, Miller, Monahan, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Warnock and Williams—26

So the bill passed. The title was agreed to.

Mr. Brown, of Lucas, submitted the following report:

The standing committee on Municipal Corporations, to whom was referred S. B. No. 290—To amend sections five, six and ten of an act entitled "An act to protect certain birds and game, and to protect land owners and punish trespassing upon improved or enclosed lands, and to repeal certain statutes therein designated," passed April 20, 1874, (O. L., vol. 71, p. 149), and amended April 11, 1876. (O. L. vol. 73, p. 216)—having had the same under consideration, report it back, and recommend its passage.

T. P. Brown, H. Kessler,
A. M. Burns, J. C. Schenck.

The bill was ordered to be engrossed at the Clerk's desk and read the third time.

The bill was read the third time.

Mr. Brown of Ross moved that the further consideration be postponed until 3 o'clock P. M. Wednesday, and made the special order for that hour.

Which was agreed to.

The following bills were introduced, on leave, and read the first time:

S. B. No. 308—Mr. Hudson—To secure the ends of justice in trials by jury in the State of Ohio.

S. B. No. 309—Mr. Monahan—To regulate the sale of property belonging to corporations where the stock is raised by subscription.

On motion of Mr. Brown of Lucas the Senate took a recess.

THREE O'CLOCK P. M.

Mr. Knox submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 555—To authorize the transfer of certain funds of the village of Oberlin—having had the same under consideration, report it back, and recommend its passage.

Samuel Knox, H. W. Curtiss,
Jno. H. Hudson, Elias Ellis.
J. H. Bates.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 26, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates. Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes and Warnock—26.

So the bill passed. The title was agreed to.

On motion of Mr. Ault, H. B. No. 244—To authorize the creation of a special joint school district, composed of parts of Clay and Jackson townships, Knox county, Ohio.

Was taken from the table.

The question being, "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Knox, Lewis, Monahan Philson, Ransom, Rukenbrod, Schenck, Sheridan Spangler, Stickney, Stokes, Warnock and Williams—26.

So the bill passed. The title was agreed to.

The following bill was introduced, on leave, and read the first time:

S. B. No. 310—Mr. Johnston—Providing for the safe keeping of the evidence of title and lands acquired by the State, and prescribing the duties of the Auditor of State in relation thereto.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 87—Mr. Bowen—Providing for the publishing of a law omitted from the publication of laws for the year 1876.

Attest: WM. LEONARD, *Clerk.*

The question being on the adoption of said resolution, the yeas and nays were taken, and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Burns, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Kerr, Lewis, Monahan, Philson, Ransom, Rukenbrod, Schenck, Spangler, Sheridan, Stickney, Stokes, Warnock and Williams—26.

So the resolution was adopted.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 510—Mr. Inman—To aid the board of public works to build a bridge on the Western Reserve and Maumee road, over the Sandusky river.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bill:

S. B. No. 277—Mr. Stanton—Prescribing the fees of county treasurers.

Attest: WM. LEONARD, *Clerk.*

The President, in the presence of the Senate, signed said bill.

The following bill was introduced, on leave, and read the first time:

S. B. No. 311—Mr. Schenck—For saving societies and associations.

On motion of Mr. Burns, S. B. No. 306, was taken from the table.

Pending the second reading of said bill, Mr. Andrews moved that the Senate take a recess.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 7, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Ellis, Haines of Carroll, Miller, Monahan and Williams—7.

Those who voted in the negative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Kent, Kessler, Kleinschmidt, Knox, Rukenbrod, Schenck, Spangler, Stickney and Warnock—15.

So the motion was disagreed to.

The bill was read the second time and referred to the committee of the whole Senate.

Mr. Kessler submitted the following report:

The standing committee on Municipal Corporations to whom was refered S. B. No. 260—To amend sections one, two, four, five, seven, eight, nine, ten, eleven, twelve, fourteen, sixteen and seventeen of an act entitled an act to regulate the police force in cities of the first class, and to repeal an act passed December, 18, 1874, entitled an act for the better regulation of the police force in cities of the first class, having a population of two hundred thousand or over, and to repeal an act entitled an act to establish a board of police commissioners in certain cities of the first class, passed March 29, 1873, (Ohio Laws, volume 72, page 51), passed March 24, 1876, (O. L., vol. 76, p. 70), and supplementary thereto, having had the same under consideration, report it back with the following amendments and recommend its passage when so amended:

In section one, line twenty, strike out the words "the members of said" and all of lines twenty-one, twenty-two and twenty-three.

In same section, thirty-third line, strike out all after the word "Ohio," and all of line thirty-four.

In line one hundred and twenty-one, strike out the words "at the pleasure" and insert "by the unanimous vote."

In line one hundred and ninety, strike out the word "which" and insert "whom."

In line one hundred and ninety-one, strike out the words "not" and "and" and insert in lieu thereof the words "the usual," and after the word "fee" insert "prescribed for witnesses."

In line two hundred and four, after the word "officer" insert "or patrolman."

Strike out section three, and renumber the sections consecutively.

Strike out all of section fifteen, and in lieu thereof insert the following:

SEC. 14. The said board of police commissioners shall have all the powers now vested by law, in the board of fire commissioners of any such city, and shall be governed by the rules now prescribed by law, for the government of such board, when not inconsistent with the provisions of the act to establish a board of police commissioners, in certain cities of the first class, passed March 24, 1876, and the officers of the board of fire commissioners of such city shall, upon the passage of this act, cease and determine.

Strike out all of section eighteen, and insert the following:

SEC. 17. That section one of the act passed April 29, 1873, (Ohio Laws, page 188,) is hereby declared not to affect cities of the first class, having a population of one hundred and fifty thousand or upwards, and this act shall take effect and be in force from and after its passage.

T. P. BROWN, A. M. BURNS,
J. C. SCHENCK, H. KESSLER.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time Thursday.

On motion of Mr. Curtiss, the Senate took a recess until 8 o'clock to-morrow.

FRIDAY, FEBRUARY 9, 1877—8 o'clock A. M.

On motion of Mr. Knox, the Senate adjourned, and under S. R. No. 73, stand adjourned until 3 o'clock P. M. of Tuesday next.

Attest: J. C. DONALDSON, *Clerk.*

TUESDAY, FEBRUARY 13, 1877—3 o'clock P. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

H. B. No. 589—To enable the trustees of Litchfield township, Medina county, Ohio, to carry out the provisions of an act entitled "An act to provide for a park at the center of Litchfield, in Medina county, Ohio," passed and took effect March 30. 1875.

Was read the second time and referred to the committee on Finance.

H. B. No. 510—To aid the Board of Public Works to build a bridge on the Western Reserve and Maumee road, over the Sandusky river.

Was read the second time and referred to the committee on Public Works.

Mr. Bates, on leave, presented the petition of N. McNeil, and many other citizens of Hamilton county, in reference to the Miami canal.

Which was referred to the committee on Public Works.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives asks for a committee of conference in matters of difference between the two Houses on—

H. B. No. 544—Mr. Johnson—For the relief of John Mizer and his sureties.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 479—Mr. Inman—To authorize the removal of drift timber

and other obstructions from the natural channel of streams, and to protect lands from overflow.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 247—Mr. Hodge—To extend the charters of societies for savings.

Attest: WM. LEONARD, *Clerk.*

On motion of Mr. Kerr, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

WEDNESDAY, FEBRUARY 14, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

Bills were read the second time and referred as follows:

S. B. No. 299—To amend section eight of an act entitled "An act to prevent cruelty to animals, and to provide for the organization of associations or societies for prevention of cruelty to animals," and to repeal certain acts herein named.

To the committee on Railroads and Telegraphs.

S. B. No. 300—To provide for an Inebriate's Home.

To the committee on Temperance.

S. B. No. 301—To prevent and punish frauds in securing extension on debts, and release of one debtor and substitution of another.

To the committee on Judiciary.

S. B. No. 302—To amend section one of "An act to protect the election of voluntary political associations, and to punish frauds therein," as passed April 20, 1874, (Ohio Laws, volume 71, page 104).

To the committee on Privileges and Elections.

S. B. No. 303—To amend an act entitled "An act supplementary to the act to provide for the organization of cities and incorporated villages," passed May 3, 1852, passed and took effect April 3, 1857, (Ohio Laws, volume 54, page 85).

To the committee on Municipal Corporations.

S. B. No. 304—Supplementary to "An act to provide for the sale of three several tracts of Moravian lands in the county of Tuscarawas," passed March 20, 1840, (Local Laws, volume 38, page 164).

To the committee on Finance.

S. B. No. 305—To amend section one of an act entitled "An act to authorize the consolidation of railroad companies in this State, with railroad companies of States adjoining, in certain cases, and to authorize railroad companies in this State to extend their roads into adjoining States," passed April 10, 1856, and took effect May 1, 1856, (Swan & Critchfield, 327), as the same was amended by the act of May 6, 1869, (66 Ohio Laws, 127), and also to amend section two of the aforesaid act, passed April 10, 1856.

To the committee on Railroads and Telegraphs.

S. B. No. 307—To regulate the speed of railroad locomotives and cars within the corporate limits of any city, town or village.

To the committee on Railroads and Telegraphs.

S. B. No. 308—To secure the ends of justice in trials by jury in the State of Ohio.

To committee on Judiciary.

S. B. No. 309—To regulate the sale of property belonging to corporations where the stock is raised by subscription.

To the committee on Corporations other than Municipal.

S. B. No. 310—Providing for the safe keeping of the evidence of title to lands acquired by the State, and prescribing the duties of the Auditor of State in relation thereto.

To the committee on Judiciary.

Mr. Beatty submitted the following report:

The standing committee on Revision have examined and found correctly engrossed Senate Bill No. 284.

WM. W. BEATTY,
JAMES W. OWENS,
H. V. KERR.

S. B. No. 284—To authorize the Common Council of the village of Attica, in Seneca county, to transfer money.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kent, Kerr, Kleinschmidt, Knox, Miller, Monahan, Owens, Philson, Ransom, Rukenbrod, Sheridan, Spangler, Stanton, Stokes, Swan, Warnock and Williams—28.

So the bill passed. The title was agreed to.

The following bill was introduced, on leave, and read the first time:

S. B. No. 312—Mr. Curtiss—To secure the collection of delinquent taxes.

On motion of Mr. Burns, the Senate resolved itself into a Committee of the Whole for the further consideration of S. B. No. 306—To revise, amend and consolidate the general Statutes of Ohio.

Mr. Stanton was appointed Chairman of said committee.

After some time spent in the consideration of said bill, the committee rose, reported progress, and asked leave to sit again, which was granted.

Mr. Swan, on leave, submitted the following report:

The standing committee on State Buildings, to whom was referred H. J. R. No. 85—Directing the Superintendent of the State House to construct shelving in room No. 91, for the use of the Clerk of the Supreme Court—having had the same under consideration, report it back and recommend its adoption.

C. J. SWAN, SAMUEL KNOX,
WM. MILLER, EDW'D P. RANSOM,
W. H. STOKES.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Rukenbrod, Spangler, Stokes, Swan and Williams—26.

So the resolution was adopted.

By request of Mr. Knox, leave of absence was granted to S. N. Field, 1st Assistant Sergeant-at-Arms, until Monday.

On motion of Mr. Johnston, the Senate took a recess.

THREE O'CLOCK P. M.

H. B. No. 78—To secure to children the benefits of an elementary education, the special order for this hour, was taken up for further consideration.

The bill was read the third time.

Mr. Monahan moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section six, line three, after the word "books," insert "suitable clothing."

In line five, same section, after the word "books," insert "suitable clothing."

On which motion the yeas and nays were demanded, taken, and resulted—yeas 14, nays 17, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Burns, Ellis, Haines of Carroll, Hudson, Kerr, Kessler, Kleinschmidt, Lewis, Monahan, Owens, Stokes, Warnock and Williams—14.

Those who voted in the negative were—

Messrs. Andrews, Beatty, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Johnston, Kent, Knox, Miller, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stickney and Swan—17.

So the motion was disagreed to.

Mr. Burns moved that the bill be referred to a select committee of one with instructions to amend as follows:

In section one, lines two and three, strike out the words, "or other person in the State of Ohio, having charge or control," and in lieu thereof insert the words, "of the person."

In the second line, same section, insert the word "or" between the words "parent" and "guardian."

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 21, nays 10, as follows:

Those who voted in the affirmative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Swan and Warnock—21.

Those who voted in the negative were—

Messrs. Andrews, Ault, Bates, Ellis, Lewis, Miller, Owens, Reese, Sheridan and Williams—10.

So the bill passed. The title was agreed to.

On motion of Mr. Monahan, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

THURSDAY, FEBRUARY, 15, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Senator G. W. Andrews.

The Journal was read and approved.

Mr. Stanton moved that the vote whereby H. B. No. 78—To secure to children the benefits of an an elementary education, was passed, be reconsidered.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 23, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Ross, Burns, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Knox, Lewis, Miller, Monahan, Schenck, Sheridan, Spangler, Stanton, Stokes, Warnock and Williams—23.

Those who voted in the negative were—

Messrs. Beatty, Brown of Lucas, Burrows, Kerr, Kleinschmidt, Owens, Philson, Ransom, Reese, Rukenbrod, Stickney and Swan—12.

So the vote was reconsidered.

Mr. Stanton moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Strike out section 4, and renumber following sections consecutively.

On motion of Mr. Andrews, the bill with pending motion to amend, was laid upon the table.

On motion of Mr. Brown of Lucas S. B. No. 290—To amend sections 5, 6 and 10 of an act entitled "An act to protect certain birds and game, and to protect land owners, and punish trespassing upon improved or enclosed land, and to repeal certain statutes therein designated, passed April 20, 1874, (O. L., Vol. 71, p. 149), and amended April 11, 1876, (O. L., Vol. 73, p. 216).

The special order for 3'oclock p. m. yesterday, was taken up for further consideration.

The question being on the passage of said bill.

Mr. Brown of Ross moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section 6, line 23, between the words "than" and "nor" strike out "five," and insert in lieu thereof "ten," and in same line and line 24, between the words "than" and "dollars" strike out "twenty-five" and insert "fifty," and after the word "prosecution," in line 24, add "and to stand committed until such fine and costs are paid."

On demand of Mr. Warnock, a divison of the question was had.

The first division, relating to the increase of the minimum fine, was disagreed to.

The second division being the remainder of said motion to amend, was agreed to.

Mr. Brown of Ross was appointed such select committee.

Mr. Brown of Ross, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 290, with instructions to amend, reports the same back amended as instructed.

A. L. BROWN.

Mr. Burrows moved that the bill be referred to a select committee of one with instructions to amend as follows:

In section 10, lines 28–29, strike out the words as follows: "one-half to the informer, and the other half."

Which was agreed to.

Mr. Burrows was appointed as such select committee.

Mr. Burrows, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 290, with instructions to amend, reports the same back amended as instructed.

S. S. BURROWS.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 27, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams —27.

Mr. Monahan voted in the negative—1.

The bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. No. 283—Mr. Andrews, from select committee—To divide the township of Richland in Allen county, into two election precincts.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested—

H. B. No. 579—Mr. Carothers—To authorize the Board of County Commissioners of Delaware county, to levy a tax for the purpose of building a county jail in said county.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in the passage of—

S. B. No. 64—Mr. Bates—To amend section one of an act supplementary to the act entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, passed April 15, 1867, and amended March 7, 1872, (69 O. L., pp. 20-21).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 664—Mr. McLain—Making appropriations for the fiscal year 1877, and the first quarter of the fiscal year 1878.

H. B. No. 665—Mr. Wiltsee—To provide for the cleaning of sewers, catch basins, avenues, streets, alleys, market places, wharves, etc., in cities of the first-class, having a population of more than 150,000 at the last Federal census.

H. B. No. 666—Mr. Hodge—To regulate the issuing of life insurance policies in Ohio, and to give greater security to policy holders.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced into the House of Representatives and read the first time:

H. B. No. 667—Mr. West—To authorize certain incorporated villages to issue bonds.

H. B. No. 668—Mr. Huberich—To amend an act entitled "An act to authorize the common council of certain cities of the first-class to issue water works bonds." passed April 11, 1876, (O. L., vol. 73, p. 217).

H. B. No. 669—Mr. Huberich—To repeal an act entitled "An act to authorize the issuing of floating debt bonds, in cities of the first-class, having a population of less than 100,000," passed April 18, 1874, (O. L., vol. 71, p. 94).

H. B. No. 670—Mr. Huberich—To facilitate the administration of justice in Lucas county, Ohio.

H. B. No. 671—Mr. Stone—To authorize the Board of Education to purchase text books.

H. B. No. 672—Mr. Scheble—Supplementary to "An act to provide for the settlement of the estates of deceased persons," passed March 23, 1840.

H. B. No. 673—Mr. Raudabaugh—To provide for the collection of delinquent personal taxes.

H. B. No. 674—Mr. Bohl—To better provide for the regulation and management of public institutions belonging to and under the control of the State of Ohio, or any county, city or township within this State.

H. B. No. 675—Mr. McCoy—For the relief of official sureties of Jacob B. Koch and John R. Helman, late Treasurer of Wayne county, Ohio.

H. B. No. 676—Mr. Hostetter—Supplementary to the act passed March 29, 1867, (64, Vol. 80, S. & S. 671), entitled "An act to authorize the County Commissioners to construct roads on the petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named, and amendatory and supplemental thereto.

H. B. No. 677—Mr. Stryker—To authorize certain cities of the first class to purchase gas works, to issue bonds to pay therefor, and to lease the same, to limit city councils in regulating the price of gas for a term of years, or any extension or renewal thereof and supplementary to the act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and repealing sections of said act, and repealing section one of an act supplementary (S. & C., p. 1534, section 129,) to an act entitled "An act to amend an act (S. & C., p. 1537, section 142,) to provide for the organization of cities and incororapted villages, passed April 5, 1854.

H. B. No. 678—Mr. Sage—To create two election precincts in Plain township, Wood county.

H. B. No. 679—Mr. Blake—To prevent gambling and the use of intoxicating liquors at a place therein named.

H. B. No. 680—Mr. Thresher—To amend sections four and ten of the act entitled "An act for the maintenance and support of illegitimate children, and to repeal certain acts therein named," passed April 3, 1873, (O. L., Vol. 70, p. 111), and to repeal an act therein named.

H. B. No. 681—Mr. Dow—To authorize the council of the incorporated village of Bellefontaine to transfer the sum of three hundred dollars from the Street fund of said village to the Police fund.

H. B. No. 682—Mr. West—To authorize the building of a public hall in Milford precinct, of Miami township, Clermont county, Ohio.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bill has been introduced in the House of Representatives and read the first time.

H. B. No. 683—Mr. Hodge—Regarding the maintenance and repair of streets, alleys, etc., in cities of the first-class having a population of more than ninety thousand and less than one hundred and fifty thousand inhabitants at the last federal Census.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 544—Mr. Johnson—For the relief of John Mizer and his sureties.

The bill sent in a message from the House of Representatives, January 19, 1877, was the original bill in place of the re-engrossed bill, as amended which is enclosed herewith.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

S. B. No. 311—For saving societies and associations.

Was read the second time and referred to the committee on Currency.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled the following bills:

S. B. No. 222—For the relief of P. M. Snell and G. L. McAdams.

H. B. No. 244—To authorize the creation of a special joint school district composed of parts of Clay and Jackson townships, Knox county, Ohio.

H. B. No. 247—To extend the charters of societies for savings.

E. L. LYBARGER, THOS. S. LUCCOCK,
J. W. WASHBURN, ASA TOBEREN,
E. C. LEWIS, H. V. KERR,
C. J. SWAN.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed S. B. No. 260.

W. W. Beatty,
J. C. Schenck,
H. V. Kerr.

On motion of Mr. Bates, the further consideration of—

S. B. No. 260—To amend sections one, two, four, five, seven, eight, nine, ten, eleven, twelve, fourteen, sixteen and seventeen of an act entitled "An act to regulate the police force in cities of the first-class, and to repeal an act passed December 18, 1874. entitled 'An act for the better regulation of the police force in cities of the first-class having a population of two hundred thousand or over,' and to repeal an act entitled 'An act to establish a Board of Police Commissioners in certain cities of the first-class,'" passed March 29, 1873, (Ohio Laws, volume 72, page 51); passed March 24, 1876, (Ohio Laws, volume 76, page 70) and supplementary thereto, was postponed until 3 o'clock P. M. to-day, and made the special order for that hour.

The following bills were introduced, on leave, and read the first time:

S. B. No. 313—Mr. Kent—To create a sub-school district in Portage township, Summit county, Ohio.

S. B. No. 314—Mr. Brown of Lucas—To re-enact section four of "An act to provide for the taxation of bank shares and bankers," passed and took effect April 16, 1867, (S. & S., p. 763), and repealed April 12, 1876, and to repeal "An act to provide for the equalization of the valuation of bank shares for taxation," passed and took effect April 12, 1876.

S. B. No. 315—Mr. Rukenbrod—To divide the township of Perry, county of Columbiana, into two election precincts.

Mr. Ransom submitted the following report:

The standing committee on Common Schools, to whom was referred S. B. No. 285—To authorize the Board of Education of the city of Portsmouth to borrow money to build a school house, and issue bonds for the payment of the same, having had the same under consideration, report it back with the following amendment and recommend its passage when so amended:

In line six, section one, strike out the work "Secretary" and in lieu thereof insert "Clerk."

Edward P. Ranson,
Samuel Knox,
James W. Owens,
W. R. Warnock.
E. T. Stickney,
W. Sheridan, Jr.,
S. S. Burrows,

The amendment was agreed to.

The bill was ordered to be engrossed and read the third time tomorrow.

Mr. Ransom submitted the following report:

The standing committee on Common Schools, to whom was referred S. B. No. 279—To create a special school district in Seneca county, Ohio, to be called the Rockaway special school district, having had the same under consideration, report it back with the following amendments, and recommend its passage when so amended:

Strike out the word "special" in the title and in line seven of section one, and in lieu thereof insert the word "sub" in each case.

EDWARD P. RANSOM, E. T. STICKNEY,
SAMUEL KNOX, W. SHERIDAN, JR.,
JAMES W. OWENS, S. S. BURROWS,
W. R. WARNOCK.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Bates submitted the following report:

The standing committee on Railroads and Telegraphs, to whom was referred H. B. No. 359—To amend an act entitled "An act to provide for the disposition of unclaimed freight and express packages, and to amend an act entitled 'An act providing for the disposition of unclaimed freight and express packages,'" passed April 16, 1867; passed January 26, 1875, (O. L., Vol. 72, p. 17,) having had the same under consideration, report it back and recommend its passage.

R. STANTON, T. P. BROWN,
J. H. BATES, M. KENT,
E. T. STICKNEY.

The bill was ordered to be read the third time.

Said bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 22, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Burns, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Schenck, Spangler, Stickney, Stokes and Williams—22.

Those who voted in the negative were—

Messrs. Ault, Beatty, Burrows, Monahan, Rukenbrod and Warnock—6.

So the bill passed. The title was agreed to.

Mr. Lewis, on leave, presented the petition of L. S. Minnick and fifty-four other citizens of Tuscarawas county, praying that the residents on the Guadenhutten tract of Moravian lands, in said county, be placed under a School Board of Directors, to be chosen by the residents thereof, and not under control of County Commissioners as they now are.

Which was read at the Clerk's desk and laid on the table.

Mr. Burns submitted the following report:

The standing committee on Judiciary to whom was referred H. B. No. 500—To authorize the filling of vacancies in the Boards of Trustees of townships—having had the same under consideration, report it back, with following amendments, and recommend its passage when so amended.

In section one, line twenty-one, strike out the words "or affirmation."

J. H. BATES, A. M. BURNS,
C. J. SWAN, W. R. WARNOCK,
GEO. W. ANDREWS, JAMES W. OWENS.

The amendment was agreed to.

The bill was ordered to be engrossed at the Clerk's desk and read the third time.

Pending the reading of said bill—
On motion of Mr. Monahan the Senate took a recess.

THREE O'CLOCK P. M.

H. B. No. 500 was read the third time.
Mr. Burns moved that said bill be laid upon the table.
Which was disagreed to.
The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 30, nays none, as follows:
Those who voted in the affirmative were—
Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—30.
The bill passed. The title was agreed to.
The following bills were introduced, on leave, and read the first time:
S. B. No. 316—Mr. Burns—To repeal section 665 of an act entitled "An act to provide for the organization and government of Municipal Corporations," passed May 7, 1869, and took effect July 1, 1869, (O. L., vol. 66, p. 262); also to repeal section 666 of the same act, as amended April 18, 1870, (O. L., vol. 67, p. 86.)
S. B. No. 317—Mr. Knox—Supplementary to an act to provide for the revision and consolidation of the statute laws of Ohio, passed March 27, 1875.
S. B. No. 260—To amend sections 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 14, 16 and 17 of an act entitled "An act to regulate the police force in cities of the first-class, and to repeal an act passed December 18, 1874, entitled 'an act for the better regulation of the police force in cities of the first-class having a population of two hundred thousand or over,' and to repeal an act entitled 'an act to establish a board of police commissioners in certain cities of the first-class,'" passed March 29, 1873, (Ohio Laws, volume 72, page 51); passed March 24, 1876, (Ohio Laws, volume 76, page 70), and supplementary thereto.
The special order for this hour was taken up for further consideration.
Said bill was read the third time.
Mr. Ransom moved that the bill be referred to a select committee of one with instructions to amend as follows:
In line 54, sectiod 2, after the word "city," insert "or Sheriff of the county in which such city is situated."
In line 104, section 4, after the word "Superintendent," insert "and inspector."
In line 110, strike out the letter "s" in the word "Boards."
In line 124, section 5, after "Superintendent," insert "Clerk of the Police Department."
In line 235, section 11, strike out the work "Secretary," and after "Clerk," insert "of the Police Department."
In line 241, section 12, after syllable "ers," insert clubs, whistles, badges, repairs, erecting buildings, rent."
In line 242, section 12, after the word "act," insert "subject the restrictions herein provided."
In line 244 section 12, strike out "Secretary or."

Which was agreed to.

Mr. Ransom was appointed such select committee.

Mr. Ransom, on leave, submitted the following report;

The select committee of one, to whom was referred S. B. No. 260, with instructions to amend, reports the same back amended as instructed.

E. P. Ransom.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 19, nays 13, as follows:

Those who voted in the affirmative were:

Messrs. Bates, Beatty, Brown of Lucas, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Sangler, Stanton, Swan and Warnock—19.

Those who voted in the negative were—

Messrs. Andrews, Ault, Ellis, Haines of Carroll, Hudson, Lewis, Miller, Monahan, Owens, Sheridan, Stickney, Stokes and Williams—13.

The bill passed. The title was agreed to.

The following communication was received from the Governor, and referred to the committee on Public Printing, with the request that it be reported at an early day:

MESSAGE FROM THE GOVERNOR.

THE STATE OF OHIO, EXECUTIVE DEPARTMENT.

Columbus, 15th day of February, 1877.

To the General Assembly:

I have the honor to transmit, herewith, the second and final report of the State Board of Centennial Managers, with accompanying documents, and recommend that it be printed, and that the illustrations be suitably engraved, and respectfully request your attention thereto. There being but one copy of the same, it is sent to the Senate.

Very respectfully,

R. B. Hayes, *Governor.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker *pro tem.* of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 244—Mr. Hart—To authorize the creation of a special joint school district, composed of parts of Clay and Jackson townships, Knox county, Ohio.

H. B. No. 247—Mr. Hodge—To extend the charters of societies for savings.

Attest: Wm. Leonard, *Clerk.*

The President, in presence of the Senate, signed said bills.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

S. B. No. 182—Mr. Brown of Ross—To repeal section twenty of an act entitled "An act to regulate incorporated companies," passed February 11, 1848, (S. & C., page 271), and section nineteen of an act entitled "An act for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852. (S. & C., page 271.)

S. B. No. 244—Mr. Kent—To authorize the council of the incorporated village of Kent, Ohio, to make a private contract for the construction of additions to stone bridge, proposed to be built by the Commissioners of Portage county, Ohio, across the Cuyahoga river, in said village, to issue bonds and borrow money, and to levy a tax to pay said bonds.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bill:

S. B. No. 222—Mr. Kerr—For the relief of P. M. Snell and G. L. McAdams.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bill.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and joint resolution:

H. B. No. 528—Mr. Hitchcock—For the relief of William Hodkinson, Treasurer of Parkman township, Geauga county, Ohio.

H. B. No. 178—Mr. Monahan—To amend section forty-eight of the act entitled an act to establish a code of civil procedure, passed March 11, 1853, (S. & C., Swan's R. S. 632,) passed and took effect April 16, 1867, (64 vol. stat. 230, Swan & Sayler, page 541.)

H. B. No. 480—Mr. Bohl—To divide Aurelius township, Washington county, into two election precincts.

H. J. R. No. 81—Mr. Hitchcock—Authorizing the Attorney General to appear in the suit of the Pulman Palace Car Co. vs. the Treasurer of Clinton county.

Attest: WM. LEONARD, *Clerk.*

The President of the Senate, in presence of the Senate, signed said bills and joint resolution.

Mr. Knox submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 532—To amend an act for the relief of Charles W. Morehead and J. M. Braddock, bondsmen of John A. Spencer, late treasurer of the incorporated village of Somerset, Perry county, Ohio, passed March 9, 1876,

(Ohio Laws, volume 73, page 260,) having had the same under consideration, report it back and recommend its passage.

SAMUEL KNOX, JOHN H. HUDSON,
A. R. HAINES, H. W. CURTISS,
ELIAS ELLIS.

The bill was ordered to be read the third time .

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 32, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—32.

Mr. Burns voted in the negative—1.

So the bill passed. The title was agreed to.

The following bills were introduced, on leave, and read the first time:

S. B. No. 318—Mr. Hudson—To amend section four hundred and thirty-four of an act entitled an act to establish a code of civil procedure, (S. & C., p. 1073), passed March 11, 1853, and took effect June 1, 1853.

S. B. No. 319—Mr. Lewis—For the relief of Thomas H. Farmilton.

S. B. No. 320—Mr. Johnston—Supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852. (S. & C., 271.)

Mr. Warnock submitted the following report:

The standing committee on Corporations other than Municipal to whom was referred H. B. No. 541—To amend an act passed May 1, 1861, entitled an act to provide for the creation and organization of township Agricultural Societies, having had the same under consideration, report it back and recommend its passage.

W. R. WARNOCK, WM. W. BEATTY,
R. STANTON, GEO. W. ANDREWS.,
J. R. JOHNSTON.

The bill was ordered to be read the third time to-morrow.

Mr. Andrews submitted the following report:

The committee on Corporations other than Municipal, to whom was referred S. B. No. 254—To authorize the formation of companies for dealing in real estate, having had the same under consideration, report it back and recommend its indefinite postponement.

GEO. W. ANDREWS, WM. W. BEATTY,
R. STANTON, J. R. JOHNSTON.

The bill and report of committee were laid on the table.

On motion of Mr. Owens, S. B. No. 251—To punish the practice of resorting to distant courts to oppress citizens of Ohio, and deprive them of their rights under the statutes of Ohio, was taken from the table.

The bill was read the third time.

Mr. Knox moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Add after line nine, section two, the following:

Provided this act shall not apply to an original creditor, whose property would be covered by the exemption laws of the State.

Which was agreed to.

Mr. Knox was appointed as such select committee.

Mr. Knox, on leave, submitted the following report:

The select committee of one to whom was referred Senate Bill No. 251, with instructions to amend, reports the same back amended as instructed.

SAMUEL KNOX.

Mr. Owens moved that the vote whereby the bill was referred to said select committee of one, be reconsidered.

Pending which motion—

On motion of Mr. Brown of Ross, the further consideration of the bill was postponed until 3 o'clock P. M. to-morrow, and made the special order for that hour.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 545—Mr. Dawson—To provide for the use of plats, profiles, and surveys in preliminary proceedings for road improvements.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 368—Mr. Sellards—To require marshals of cities of the second class to keep a record of all property that falls into their hands, and account for the same to the mayor.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 449—Mr. Smith of Licking—To authorize the Auditor of Licking county, Ohio, to remit certain taxes on lot No. 166, in the village of Hebron, in said county.

H. B. No. 630—Mr. Hoagland—To authorize the county commissioners of Holmes county to build a jail and sheriff's residence.

H. B. No.. 658—Mr. Tryon—To authorize the trustees of Perry township, Lake county, to transfer the sum of seven hundred dollars, surplus building fund, to the road and township fund.

H. B. No. 615—Mr. Meuser—To provide for the payment of a town hall, in Polk township, Crawford county, Ohio.

H. B. No. 663—Mr. Huberich—To amend section six hundred and sixty-one of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869, and took effect July 1, 1869. (O. L., Vol. 66, p. 261.)

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

Mr. Burns submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 310—Providing for the safe keeping of the evidence of title to lands acquired by the State, and prescribing the duties of the Auditor of State in relation thereto, having had the same under consideration, report it back and recommend its passage.

A. M. BURNS, J. H. BATES,
C. J. SWAN, W. R. WARNOCK,
GEO. W. ANDREWS, JAS. W. OWENS.

The bill was ordered to be engrossed and read the third time to-morrow.

On motion of Mr. Johnston, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

FRIDAY, FEBRUARY 16, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. James Poindexter.

The Journal was read and approved.

Mr. Stanton presented the petition of Geo. M. Woodbridge and 145 other citizens of Marietta, Washington county, asking that the school laws be so amended as to allow the voters of cities of the second class of this State to vote for members of the Board of Education in the wards in which they live, and cast their votes for municipal officers at the Spring election.

Which was referred to the committee on Common Schools.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed S. Bs. Nos. 279, 310 and 285.

WM. W. BEATTY,
JAMES W. OWENS,
J. C. SCHENCK.

Mr. Ellis presented the petition of M. R. McClelland, John D. Mercer and other citizens of Muskingum county, asking for a law looking to the reduction of the price of common school books, and also favoring compulsory education.

Which was referred to the committee on Common Schools.

Mr. Brown of Ross presented a communication from George Callahan, on the subject of Hog Cholera, which was read at the Clerk's desk, and referred to the committee on Agriculture.

Bills were read the second time and referred as follows:

H. B. No. 279—To authorize the Board of County Commissioners of

Delaware county to levy a tax for the purpose of building a county jail in said county.

To the committee on Judiciary.

H. B. No. 368—To require Marshals of cities of the second class to keep a record of all property that falls into their hands, and account for the same to the Mayor.

To the committee on Municipal Corporations.

H. B. No. 545—To provide for the use of plats, profiles, and surveys in preliminary proceedings for road improvements.

To the committee on Roads and Highways.

H. B. No. 449—To authorize the Auditor of Licking county, Ohio, to remit certain taxes on lot No. 166 in the village of Hebron in said county.

To the committee on Municipal Corporations.

H. B. No. 630—To authorize the County Commissioners of Holmes county to build a jail and Sheriff's residence.

To the committee on Municipal Corporations.

H. B. No. 658—To authorize the Trustees of Perry township, Lake county, to transfer the sum of seven hundred dollars, surplus building fund, to the road and township fund.

To the committee on Finance.

H. B. No. 615—To provide for the payment of a town hall in Polk township, Crawford county, Ohio.

To the committee on Municipal Corporations.

H. B. No. 663—To amend section 661 of an act entitled "An act to provide for the organization and government of Municipal Corporations," passed May 7, 1869, and took effect July 1, 1869, (Ohio Laws, volume 66, page 261).

To the committee on Municipal Corporations.

H. B. No. 544—For the relief of John Mizer and his sureties.

To the committee on Municipal Corporations.

S. B. No. 285—To authorize the Board of Education of the city of Portsmouth to borrow money to build a school house, and issue bonds for the payment of same.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 25, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Knox, Lewis, Miller, Monahan, Owens, Philson, Reese, Sheridan, Spangler, Stickney, Stokes and Williams—25.

Those who voted in the negative were—

Messrs. Burns, Kessler and Kleinschmidt—3.

So the bill passed. The title was agreed to.

S. B. No. 279—To create a Special School District in Seneca county, Ohio, to be called the Rockaway Special School District.

Was read the third time.

The question being, "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan,

Owens, Philson, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes and Williams—30.

The bill passed. The title was agreed to.

H. B. No. 541—To amend an act passed May 1, 1861, entitled "An act to provide for the creation and regulation of township Agricultural Societies.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stokes and Williams—28.

So the bill passed. The title was agreed to.

S. B. No. 310—Providing for the safe keeping of the evidence of title to lands acquired by the State, and prescribing the duties of the Auditor of State in relation thereto.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes and Williams—30.

The bill passed. The title was agreed to.

The following bills were introduced, on leave, and read the first time:

S. B. No. 321—Mr. Bates—To regulate insolvent Insurance companies.

S. B. No. 322—Mr. Schenck—To authorize the Trustees of the township of Rockport, in the county of Cuyahoga, to issue bonds to the amount of six thousand dollars, for the purpose of buying land, and to erect and repair suitable buildings thereon for Infirmary purposes.

Mr. Schenck submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 606—To authorize the Town Council of the incorporated village of Mount Gilead to levy additional taxes to complete a town hall—having had the same under consideration, report it back and recommend its passage.

J. C. Schenck, James W. Owens,
Wm. Miller, A. M. Burns,
H. Kessler, T. P. Brown.

The bill was ordered to be engrossed and read the third time Tuesday.

Mr. Spangler submitted the following report:

The standing committee on Claims, to whom was referred H. B. No. 511—To authorize the County Commissioners of Lake county to remunerate W. P. Rice for loss sustained by breaking through a bridge—having had the same under consideration, report it back and recommend its passage.

A. Spangler, John Ault,
T. P. Brown, H. V. Kerr.

The bill was ordered to be read the third time Tuesday.

Mr. Stanton submitted the following report:

The standing committee on Finance, to whom was referred S. B. No. 231—To authorize free banking—having had the same under consideration, report it back and recommend its passage.

R. Stanton, Samuel Knox,
H. W. Curtiss, J. H. Bates,
A. R. Haines, Jno. H. Hudson,
Elias Ellis.

On motion of Mr. Knox, the bill was referred to the committee of the whole Senate.

Mr. Kessler submitted the following report:

The committee on Municipal Corporations, to whom was referred H. B. No. 524—To amend sections 690, 691 and 692 of "An act to provide for the organization and government of Municipal Corporations," passed May 7, 1869—having had the same under consideration, report it back and recommend its passage.

H. Kessler, J. C. Schenck,
T. P. Brown, James W. Owens,
A. M. Burns.

The bill was ordered to be engrossed and read the third time Tuesday.

Mr. Burns submitted the following report:

The standing committee on Municipal Corporations, to whom was referred S. B. No. 275—Relating to inclined plane railway companies, organized under the act of May 1, A. D. 1852, entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio—having had the same under consideration, report it back with following amendments, and recommend its passage when so amended:

1st—In section one, line five, strike out the word "hold," and in its place insert the word "and."

2d—In same line insert the word "hold" between the words 'to" and lease; and in same line insert the word "or" between the words "lease" and "purchase."

3d—In section one, line eleven, insert the words, "and the Common Council," after the second word "board," in said line.

4th—Strike out all of section one after the word "laid," in the thirteenth line.

T. P. Brown, H. Kessler,
J. C. Schenck, A. M. Burns.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time Tuesday.

Mr. Haines of Carroll submitted the following report:

The committee on Finance, to whom was referred H. B. No. 589—To enable the Trustees of Litchfield township, Medina county, Ohio, to carry out the provisions of an act entitled "An act to provide for a park at the center of Litchfield, in Medina county, Ohio," passed and took effect March 30, 1875—having had the same under consideration, report it back and recommend its passage.

A. R. Haines, Jno. H. Hudson,
J. H. Bates, R. Stanton,
Elias Ellis, H. W. Curtiss.
Samuel Knox.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Miller, Monahan, Owens, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes and Williams—28.

So the bill passed. The title was agreed to.

Mr. Ellis submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 413—To authorize the transfer of certain funds therein named, now in the county treasury of Highland county—having had the same under consideration, report it back and recommend its indefinite postponement.

ELIAS ELLIS, H. W. CURTISS,
J. H. BATES, A. R. HAINES,
SAMUEL KNOX.

The bill was indefinitely postponed.

Mr. Brown of Lucas submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 587—Relative to the payment of certain bonds of the city of Xenia—having had the same under consideration, report it back and recommend its passage.

A. M. BURNS H. KESSLER,
T. P. BROWN, J. C. SCHENCK.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Miller, Monahan, Owens, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes and Williams—30.

So the bill passed. The title was agreed to.

On motion of Mr. Knox, the committee on Finance was discharged from the consideration of S. B. No. 304, and said bill was recommitted to the standing committee on Common Schools.

Mr. Stanton submitted the following report:

The standing committee on Corporations other than Municipal, to whom was referred S. B. No. 293—To authorize the Board of County Commissioners of Champaign county, Ohio, to levy a tax for the purpose of paying the indebtedness of the Champaign County Agricultural Society—having had the same under consideration, report it back without recommendation.

WM. W. BEATTY, GEO. W. ANDREWS,
R. STANTON, J. R. JOHNSTON.

The bill was ordered to be engrossed and read the third time Tuesday.

On motion of Mr. Andrews, the Senate took a recess.

THREE O'CLOCK, P. M.

Mr. Philson, on leave, offered the following joint resolution:

S. J. R. No. 44—From the standing committee on Library—*Be it resolved by the General Assembly*, That the Supervisor of Public Printing, be, and he is hereby directed to have bound in "library form," from the catalogue of the Ohio State Library, now in the State Bindery, and that the State Librarian be, and he is hereby directed, on the order of the presiding officer of the Senate or the House of Representatives, to distribute said catalogues as follows: One copy to each member, officer and employe of the sixty-second General Assembly, one copy to each minister of the gospel who has officiated as chaplain of either branch of the present Legislature, by invitation of the presiding officers or appointment of the ministerial association; the balance to be left in the State Library, subject to the order of the Legislature.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Miller, Monahan, Owens, Philson, Reese, Rukenbrod, Spangler, Stokes, Swan and Williams—25.

So the resolution was adopted.

Mr. Brown of Lucas, on leave, offered the following joint resolution:

S. J. R. No. 45—*Resolved by the General Assembly of the State of Ohio*, That one thousand copies of the report of the Fish Commissioners of Ohio for 1876, be printed in pamphelt form, for general distribution.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 23, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Curtiss, Ellis, Haines of Carroll, Hudson, Kent, Kessler, Kleinschmidt, Knox, Owens, Reese, Rukenbrod, Spangler, Stanton, Stickney, Stokes, Swan and Williams—23.

Those who voted in the negative were—

Messrs. Johnston, Miller and Monahan—3.

So the resolution was adopted.

Mr. Swan, on leave, submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 209—To provide for the straightening, cleaning out, widening and deepening, and otherwise improving water courses in the counties of Henry and Wood, in the State of Ohio—having had the same under consideration, report it back, with the following amendment, and recommend its passage when so amended:

In line 5, of section 12, strike out the figures "30, 1852," and insert in lieu thereof the figures "23, 1872."

J. H. Bates, C. J. Swan,
A. M. Burns, James W. Owens.

The amendment was agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Leave of absence was granted E. L. Jones, Sergeant-at-Arms, until to-morrow 6 o'clock p. m.

On motion of Mr. Owens, the order whereby S. B. No. 251—To punish the practice of resorting to distant courts to oppress citizens of Ohio and deprive them of their rights under the statutes of Ohio—was made the special order for this hour, was discharged, and the bill was made the special order for 10:30 o'clock a. m., Wednesday.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bill has been introduced in the House of Representatives and read the first time:

H. B. No. 684—Mr. Brunner—To amend sections fifty-three and fifty-four of an act passed April 17, 1867, entitled an act to amend sections forty-nine, fifty-three and fifty-four of an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, and to repeal the sections amended, (S. & S., 158, O. L., vol 71, p. 93), and to provide for the creation and organization of competing gas companies.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of

S. B. No. 271—Mr. Burrows—To authorize the trustees of Geneva township, Ashtabula county, to levy a tax and issue bonds for certain purposes therein named, with the following amendments, in which the concurrence of the Senate is requested:

In section one, line three, strike out "completing the execution of" and insert the word "erecting."

At the end of section one, insert "or may hereafter die."

In section two, line eight, insert after the word "dollar" the word "present."

In section three, line eight, insert before the word "model" the word "site."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Monahan, Owens, Philson, Rukenbrod, Schenck, Spangler, Stanton, Stokes, Swan and Williams—24.

So the amendments was concurred in.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 320—Mr. Nigh—To regulate the traffic in the sale or exchange of scrap iron and old metals.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 273—Mr. Brown of Lucas—Supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, (Swan & Critchfield, volume 1, page 276,) and re-enacted by section three of an act entitled an act to provide for and regulate street railroad companies, passed and took effect April 10, 1861. (Swan & Sayler, page 134.)

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in Senate amendments to—

H. B. No. 500—Mr. Inman—To authorize the filling of vacancies in the boards of trustees in townships.

Attest: WM. LEONARD, *Clerk.*

Mr. Hudson moved that the Senate recede from said amendments:

On which motion the yeas and nays were taken and resulted—yeas 22, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kessler, Kleinschmidt, Owens, Philson, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stokes Williams—22.

Mr. Monahan voted in the negative—1.

So the Senate receded from its said amendments.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 617—Mr. Sherrick—To amend section twenty of an act entitled an act for the relief of the poor, and to repeal certain acts therein named, passed April 12, 1876. (O. L., Vol. 73, p. 233.)

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

On motion of Mr. Burns the Senate resolved into committee of the Whole for the further consideration of—

S. B. No. 306—To amend, revise and consolidate the general statutes of the State.

After some time spent in the consideration of said bill, the committee rose, reported progress, and asked leave to sit again.

Which was granted.

Mr. Curtiss, on leave, submitted the following report:

The standing committee on Finance to whom was referred S. B. No. 29—To provide for obtaining and publishing reports of banks, savings institutions and trust companies, organized under the laws of this State, having had the same under consideration, report it back with following amendments, and recommend its passage when so amended:

In line one, section three, after the word "that" insert the words "all savings associations."

At the beginning of line one, section four, insert "all savings institutions."

In line three, section four, after the word "such" insert the words "associations and."

Strike out section five and in lieu thereof insert the following:

SEC. 5. That the October reports shall be compiled by the Auditor of State and transmitted to the General Assemby with his annual report.

H. W. CURTISS, JNO. H. HUDSON,
SAMUEL KNOX, R. STANTON,
A. R. HAINES.

Said amendments were agreed to.

The bill was ordered to be engrossed and read the third time to-morrow:

Mr. Burns submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 540—To amend section twenty-four of an act entitled "An act for the relief of the poor, and to repeal certain acts therein named," passed April 12, 1876, (O. L., Vol. 73, p. 233,) having had the same under consideration, report it back and recommend its passage.

A. M. BURNS, GEO. W. ANDREWS,
C. J. SWAN, JAS. W. OWENS.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kleinschmidt, Knox, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Williams—25.

So the bill passed, The title was agreed to.

On motion of Mr. Burns the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

SATURDAY, FEBRUARY 17, 1877—10 o'clock, A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

On motion of Mr. Stanton, H. B. No. 293—To amend section two of

an act to amend and supplementary to an act entitled "An act to provide for the appointment of a commissioner of railroads and telegraphs, and to prescribe his duties," passed April 5, 1867 (64 O. L., 111), passed May 13, 1868, (65 O. L., 183)—was taken from the table and ordered to be read the third time Tuesday.

H. B. No. 617—To amend section 20, of an act entitled "An act for the relief of the poor, and to repeal certain acts therein named," passed April 12, 1876, (O. L., vol. 73, p. 233).

Was read the second time and referred to the committee on Benevolent Institutions.

Mr. Owens submitted the following report:

The standing committee on Revision has examined and found correctly engrossed S. Bs. No. 209 and 291.

WM. W. BEATTY,
JAMES W. OWENS,
H. V. KERR.

S. B. No. 209—To provide for the straightening, clearing out, widening, deepening and otherwise improving water courses in the counties of Henry and Wood, in the State of Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kleinschmidt, Knox, Miller, Owens, Philson, Reese, Rukenbrod, Stanton, Stickney, Stokes, Swan and Williams—22.

So the bill passed. The title was agreed to.

S. B. No. 291—To provide for obtaining and publishing reports of banks, savings institutions and trust companies, organized under the laws of this State.

Was read the third time.

Mr. Andrews moved that the bill be referred to a select committee of one with instructions to amend as follows:

At the end of section 1 insert the following:

"Provided, that institutions known as building and loan institutions, organized and conducted under the statutes for such institutions, and not doing a banking business, shall not be included in the provisions of this bill."

Which was agreed to.

Mr. Andrews was appointed as such select committee.

Mr. Andrews, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 291, with instructions to amend, reports the same back amended as instructed.

G. W. ANDREWS.

Mr. Johnston moved that the bill be referred to a select committee of one with instructions to amend as follows:

In section 1, line 4, after the word "Monday" strike out the words "of the months," and in line 5, of same section strike out the words "April, July, and October."

In lines 3 and 4, of section 2, after the word "January" strike out the words "April, July and October."

In line 2, of section 5, strike out the word "quarterly," and insert in

lieu thereof the word "annually."

On motion of Mr. Knox, the further consideration of said bill, with pending motion to refer, was postponed until 10:30 o'clock a. m. Tuesday, and made the special order for that hour.

On motion of Mr. Burns, the Senate resolved itself into a Committee of the Whole, for the further consideration of S. B. No. 306—To amend, revise and consolidate the general statutes of this State—after some time spent in the consideration of said bill, the committee rose, reported progress, and asked leave to sit again, which was granted.

Mr. Johnston submitted the following report:

The standing committee on Roads and Highways, to whom was referred H. B. No. 502—To amend section 3 of an act entitled "an act to authorize the Commissioners of the several counties in this State, through which the National Road passes, to take under their care and control so much of the said road as lies within the limits of such counties respectively," passed April 6, 1876, and took effect May 15, 1876, (O. L., vol. 73, p. 105)—having had the same under consideration, report it back without recommendation.

J. R. Johnston, A. R. Haines,
T. P. Brown, M. Kent.

The bill was ordered to be read the third time Tuesday.

Mr. Stanton moved that the Senate take a recess.

Which was disagreed to.

On motion of Mr. Burns, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

Monday, February 19, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. J. M. Trimble.

The Journal was read and approved.

Bills were read the second time and referred as follows:

S. B. No. 312—To secure the collection of delinquent taxes.

To the committee on Finance.

S. B. No. 313—To create a sub-school district in Portage township, Summit county, Ohio.

To the committee on Common Schools and School Lands.

S. B. No. 314—To re-enact section four of "An act to provide for the taxation of bank shares and bankers," passed and took effect April 16, 1867, (Swan & Sayler, page 763), and repealed April 12, 1876, and to repeal "An act to provide for the equalization of the valuation of bank shares for taxation, (Ohio Laws, page 251), passed and took effect April 12, 1876.

To the committee on Finance.

S. B. No. 315—To divide the township of Perry, county of Columbiana, into two election precincts.

To the committee on Municipal Corporations.

S. B. No. 316—To repeal section six hundred and sixty-five of an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869, and took effect July 1, 1869, (Ohio Laws, vol. 66, page 262); also, to repeal section six hundred and

sixty-six of the same act, as amended April 18, 1870. (Ohio Laws, vol. 67, page 86).

To the committee on Municipal Corporations.

S. B. No. 317—Supplementary to "An act to provide for the revision and consolidation of the statute laws of Ohio," passed March 27, 1875.

To the committee on Judiciary.

S. B. No. 318—To amend section four hundred and thirty-four of an act entitled "an act to establish a code of civil procedure," (Swan & Critchfield, page 1073), passed March 11, 1853, and took effect June 1, 1853.

To the committee on Municipal Corporations.

S. B. No. 319—For the relief of Thomas H. Farmilton.

To the committee on Finance.

S. B. No. 320.—Supplemementary to "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852. (Swan & Critchfield, 271.)

To the committee on Corporations other than Municipal.

S. B. No. 321—To regulate insolvent insurance companies.

To the committee on Insurance.

S. B. No. 322—To authorize the trustees of the township of Rockport, in the county of Cuyahoga, to issue bonds, to the amount of six thousand dollars, for the purpose of buying land and to erect and repair suitable buildings thereon for infirmary purposes.

To the committee on Municipal corporations.

The following bills were introduced on leave, and read the first time:

S. B. No. 323—Mr. Bates—To amend section 53 of the code of civil procedure.

S. B. No. 324—Mr. Beatty—Prescribing the fees of county Auditors and county Treasurers.

S. B. No. 325—Mr. Haines, of Carroll—To amend section eighty-nine (89) of an act for the re-organization and maintenance of common schools. (O. L. Vol. 70, p. 222.)

S. B. No. 326—Mr. Schenck—To amend section seventeen of an act entitled an act authorizing the election of a board of Police Commissioners. and consolidating the same with the Board of Health in cities of the first class with a population of less than one hundred and fifty thousand and over ninety thousand inhabitants at the last Federal census, and to repeal certain acts. (O. L. vol. 73, p. 47.)

Mr. Rukenbrod submitted the following report—The standing committee on Public Printing to whom was referred S- B. No. 243, to repeal section two of an act entitled "An act to fix the rate of Legal Advertising," having had the same under consideration, report it back, with the following amendment, and recommend its passage when so amended. Strike out all after the enacting clause and insert the following: "That publishers of newspapers shall be allowed to charge and entitled to receive for the publication of all advertisements, the price or rate for which is not now fixed by law, which by law are required to be published by any public officer or officers of counties, cities, villages, townships, schools, benevolent or other public institutions, and all notices and publications known as official advertisements, notices relating to the estates of deceased persons, and all notices and publications generally known as legal advertisements, and all advertisements appertaining to any public interest and required by law to be printed in any newspaper in this state, the following sums, to-wit: For the

first insertion, one dollar for each square; and for each additional insertion authorized by law, or by the officer or person so ordering, fifty cents for each square, fractional squares to be estimated at the same rate for space occupied; and in advertisements containing tabular or rule work an additional sum of fifty per cent. may be charged in addition to the before mentioned rates, for that portion of said advertisement containing such tabular or rule work.

SEC. 2. That hereafter all proclamations by sheriffs for elections; orders fixing times of holding courts; treasurer's notice of rates of taxation; bridge, pike, and ditch notices; notices to contractors, shall be published in two newspapers of different political principles in each of the several counties of this State, provided two such newspapers may be printed therein. The provisions of this act shall in no wise affect existing laws relating to the publication of the notices of delinquent tax and forfeited land sales and advertisements required by law to be published by any officer of this State.

SEC. 3. That in addition to the publications provided for in the second section of this act, the Commissioners may, if they deem the same to be necessary to the general information and advantage of the public, order the publication of all, or such of said advertisements mentioned in the above recited section, in a German newspaper printed in said county, if there be such, and of general circulation among the inhabitants speaking that language in the county within which said advertisements are to be made.

SEC. 4. That a square shall be considered and held to be a space occupied by two hundred and sixty ems; and all legal or authorized advertising shall be set up in compact form, without any unnecessary displays, blanks or head lines. All measurements of advertisements shall be made and calculated in and by the type or types used for setting up the same; except that two-line brevier head line and dash line of brevier, but no greater display may be used and counted in the body-type measurement, (or if used, paid for,) in any advertisement for which payment shall be made out of the county treasury.

SEC. 5. That if any publisher or publishers, his or their foreman or other employe, shall wilfully render a false or fraudulent measurement or account of the advertising done by him or them under the provisions of this act, and present the same for payment, such person so wilfully making such false and fraudulent rendering or account, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars, and shall stand committed until fine and costs are paid.

SEC. 6. That it shall be the duty of the publisher or publishers of any newspaper in which the advertisements provided for in this act shall appear, to furnish the county auditor of his or their respective county with such information as will enable said auditor to accurately measure, or have measured, the same; and in case said auditor shall falsely or fraudulently measure any advertisement, he shall be held responsible for all moneys drawn from the county treasury on such false or fraudulent measurement; and it is hereby made the duty of the Prosecuting Attorney to institute proceedings in the name of the county to recover the amount so falsely or fraudulently obtained, and said amount when so recovered shall be paid into the treasury of the proper county for the benefit of the person or funds defrauded. It is hereby further made the duty of the County Auditor, upon the presentation of the proper vouch-

ers, to issue his warrant in favor of the person or funds, for the amount fraudulently obtained.

SEC. 7. That the act entitled an act to fix the price of legal printing, passed March 25, 1876, be and the same is hereby repealed; and that this act shall take effect from and after its passage.

J. K. RUKENBROD, SAMUEL KNOX,
C. J. SWAN, WM. MILLER,
H. V. KERR, WM. W. BEATTY.

The bill, with the report of the committee, was laid on the table.

The amendment was ordered to be printed.

Mr. Kessler, on leave, introduced the following bill, which was read the first time:

S. B. No. 327—To regulate Insurance Companies.

Mr. Curtiss, on leave, offered the following resolution, which was laid on the table:

S. B. No. 78—*Resolved*, That the testimony given in the contested election case of Cox versus Harmon, be ordered printed daily, and placed upon the desks of Senators in the order in which such evidence may be taken.

Mr. Stanton, on leave, submitted the following report:

The standing committee on Public Works, to whom was referred H. B. No. 510, to aid the Board of Public Works to build a bridge on the Western Reserve and Maumee road over the Sandusky river, having had the same under consideration, report it back without recommendation.

M. KENT, R. STANTON,
JAMES W. OWENS, C. J. SWAN.
A. L. BROWN.

The bill was ordered to be read the third time Wednesday.

Mr. Brown, of Ross, on leave, submitted the following report:

The standing committee on Roads and Highways, to whom was referred H. B. No. 46, "To amend section one of an act passed March 27, 1875, (O. L. vol. 72, p. 85,) entitled 'An act to amend section one of an act entitled an act to fix the rates of Toll on Turnpikes and Plank Road Companies,' passed March 16, 1875, (S. & S., p. 147,) having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

In line 11 strike out 'fifteen," and insert in lieu thereof "eighteen."

In same line strike out "five" and insert in lieu thereof "eight."

In line 12 strike out "five" and insert in lieu thereof "eight."

In line 13, between "rider" and "cents," strike out "five" and insert "eight."

A. L. BROWN, M. KENT,
J. R. JOHNSTON, A. R. HAINES,
J. B. WILLIAMS, WM. SHERIDAN, JR.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Brown of Ross submitted the following report:

The standing committee on Public Works, to whom was referred H. B. No. 498—To amend section two of an act to authorize and require the Board of Public Works to ascertain and locate all lands belonging to the State, which lies at or near the Public Works of the State, with a proper

description of the same; and also providing for the appraisment and sale of the same, passed April 29, 1872—having had the same under consideration, report it back and recommend its passage.

A. L. Brown, R. Stanton,
M. Kent. Wm. Miller,
James W. Owens, C. J. Swan.

The bill was ordered to be read the third time to-morrow.

Mr. Beatty, on leave, submitted the following report:

The standing committee on Public Printing, to whom was referred H. J. R. No. 64—Providing for the printing of additional copies of the Secretary of State's report, for distribution among the members—having had the same under consideration, report it back with the following amendments, and recommend its passage when so amended:

In line three strike out the word "sixteen," and in lieu thereof insert the word "six."

In line four, after the word "and," add the following words: "five hundred."

Strike out all of the resolution after the word "type," in line twenty.

Wm. W. Beatty, C. J. Swan,
J. K. Rukenbrod, Samuel Knox,
Wm. Miller.

The amendments were agreed to.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Knox, Miller, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Stanton and Swan—23.

So the resolution was adopted.

Mr. Kent, on leave, presented the petition of members of the Board of Education of Portage township, Summit county, and many other citizens of Summit county, asking the passage of a law to create a sub-school district in Portage township, said county.

Which was referred to the committee on Common Schools.

On motion of Mr. Bates, the Senate resolved itself into a committee of the whole, for the further consideration of S. B. No. 231—To authorize free banking.

After some time spent in the consideration of said bill, the committee rose and—

Mr. Hudson submitted the following report:

The committee of the whole Senate, to whom was referred S. B. No. 231—To authorize free banking—having had the same under consideration, report it back with following amendments, and recommend its passage when so amended:

At end of section four, add the following:

"Provided, that the amount so paid in shall not be less than twenty-five thousand dollars.

In line two, section seven, strike out the word "fifty," and insert in lieu thereof the words: "one hundred."

In line six, section seventeen, strike out the words "April" and "October."

In line two, section twenty-five, after the word "year" insert the words, "and without previous notice to such corporation."

In line fifteen, section eighteen, strike out the word "twice."

Strike out section twenty-seven, and re-number section twenty-eight as twenty-seven, and the following sections consecutively.

In section twelve, at end of line seven, add the words: "as now provided by law."

In lieu of section twenty-nine, original number, insert the following:

Section 29. The Secretary of State shall cause this act to be published in one, but not more than two newspapers, and but one insertion in each, in each county of the State wherein a newspaper is published, and within thirty days preceding said election. The cost of the publication to be paid out of the State Treasury, upon the warrant of the Auditor of State, upon proper vouchers, and in accordance with the provisions of "An act supplementary to the act to provide for the execution and supervision of the State printing and binding, passed March 24, 1860," passed and took effect May 1, 1862, (S. & S., p. 619).

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time Thursday.

On motion of Mr. Knox, the Senate took a recess.

THREE O'CLOCK P. M.

Mr. Curtiss moved that S. R. No. 78 be taken from the table.

Which was agreed to.

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Miller, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stokes and Swan—26.

So the resolution was adopted.

The President announced that the hour had arrived for which was fixed the further hearing of the contested election case of Cox *vs.* Harmon, and the Senate would proceed in the further consideration of that case.

On demand of Mr. Knox, a call of the Senate was had.

Twenty-seven Senators answered to their names.

Messrs. Ault, Brown of Lucas, Burns, Haines of Preble, Lewis, Ransom, Stickney and Warnock were absent.

By request of Mr. Johnston, leave of absence was granted to Mr. Warnock until 3 o'clock P. M. to-morrow.

On motion of Mr. Johnston, all further proceedings under the call were dispensed with.

Mr. Bates moved that the case of Cox *vs.* Harmon be adjourned until 3 o'clock P. M. to-morrow.

Which was agreed to.

The case was so adjourned.

The following bill was introduced on leave, and read the first time:

S. B. No. 328—Mr. Swan—To provide for the platting and recording of fractions of land.

On motion of Mr. Burns, the Senate resolved itself into a Committee of the Whole for the further consideration of S. B. No. 316.

After some time spent in consideration of said bill, the committee rose, reported progress, and asked leave to sit again.

Which was granted.

The following bill was introduced, on leave, and read the first time:

S. B. No. 329—Mr. Kleinschmidt—Authorizing District Courts to order abstracts of legal notices and advertisements to be published in counties constituting for itself a Judicial District.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 601—Mr. Raudabaugh—To authorize the sale of certain lands therein described.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

Mr. Andrews moved that the constitutional rule requiring bills to be read on three different days be dispensed with, and said bill No. 601 be read the second time.

On which motion the yeas and nays were taken, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Reese, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Williams—29.

So the rules were suspended.

The bill was read the second time and referred to the committee on Judiciary.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 667—Mr. West—To authorize certain incorporated villages to issue bonds.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution in which the concurrence of the Senate is requested:

H. J. R. No. 89—Mr. Converse—Providing for the erection of a suitable monument in Green Lawn cemetery, to the memory of Union soldiers buried there.

Attest: WM. LEONARD, *Clerk.*

On motion of Mr. Burrows, the resolution was referred to the committee on Federal Relations.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 685—Mr. Groom—To create a special school district in school districts No's. 6 and 7, in Norwich township, Franklin county, Ohio, and school districts No's. 4 and 5 in Burm township, in said county, and school district No. 2 in Prairie township, in said county.

H. B. No. 686—Mr. Groom—To divide Jackson township, in the county of Franklin, State of Ohio, and create the new township of Liberty, in said county.

H. B. No. 687—Mr. Myers—Authorizing the Trustees of Orange township, Ashland county, Ohio, to transfer certain funds therein named to the general fund of said township,

H. B. No. 688—Mr. Nigh—To authorize the Commissioners of Lawrence county to fund the infirmary debt, and to levy a tax to liquidate the same.

H. B. No. 689—Mr. Thresher—To authorize the city of Dayton to build and maintain stationary bridges across the Mad river feeder of the Miami and Erie canal.

H. B. No. 690—Mr. Bard—For the relief of Thomas Gilpin.

H. B. No. 691—Mr. Converse—To authorize the Commissioners of Franklin county to levy a tax for making a turnpike road from High street, in the city of Columbus, along Green Lawn avenue road, as established, to the terminus of said road, in the old Chillicothe road.

H. B. No. 692—Mr. Stone—To refund to Jonah F. Robinson, Treasurer of Morgan township, Gallia county, certain money, stolen from him.

H. B. No. 693—Mr. Sellards—To amend section 30 of an act entitled "An act for opening and regulating roads and highways," passed January 27, 1853, (S. & C., 1296), as amended March 4, 1865, (S. & C., 692, vol. 62, p. 35).

H. B. No. 694—Mr. Dempcy—To amend section 62 of an act entitled "A n act to provide for the organization and government of municipal corporations," passed May 7, 1869, (O. L., vol. 66, p. —), as amended April 4, 1872, (O. L., vol. 69, p. 64).

H. B. No. 695—Mr. Howland—An act supplementary to an act entitled "An act to provide for the appointment of guardians for imbeciles," passed April 22, 1872, (69, vol. O. L., p. 174).

H. B. No. 696—Mr. Mesloh—To create a joint sub-district for school purposes, in the township of Jackson, in Auglaize county, Marion township, in Mercer county, Patterson township, in Darke county, and McLain township, in Shelby county.

H. B. No. 697—Mr. Holloway—To amend section 7, of an act entitled "An act to provide for laying out and constructing a road from Liverpool, in Columbiana county, to Warren, in the county of Trumbull," passed February 21, 1824, (Laws of Ohio, vol. 22, p. 80).

H. B. No. 698—Mr. Boyce—Authorizing County Commissioners to offer a reward for the detection of horse thieves.

H. B. No. 699—Mr. Monahan—To amend section 1, of an act concerning divorce and alimony, (pp. 509-510, S. & C. vol. 1).

Attest: WM. LEONARD, *Clerk.*

The following bill was introduced, on leave, and read the first time:

S. B. No. 330—Mr. Lewis—To amend an act to prevent collisions on railroads in the State of Ohio.

On motion of Mr. Kleinschmidt, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

TUESDAY, FEBRUARY 20, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. J. M. Trimble.

The Journal was read and approved.

Mr. Kleinschmidt presented the memorial of the State of Michigan, asking for the adoption of a resolution asking Congress for an appropriation for the erection of a light house and steam fog signal on Stannard's Rock, Lake Superior.

Which was referred to the committee on Manufactures and Commerce.

Mr. Kleinschmidt presented the petition of Goodman & Stone, and sixty-six other citizens of Hamilton county, asking for the passage of a bill authorizing district courts to order abstracts to be published in counties constituting for itself a judicial district.

Which was referred to the committee on Judiciary.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed S. B. Nos. 293 and 275.

WM. W. BEATTY, H. V. KERR,
J. C. SCHENCK.

H. B. No. 667—To authorize certain incorporated villages to issue bonds.

Was read the second time, and referred to the committee on Municipal Corporations.

Mr. Burns, on leave, presented the petition of Robert Glenn, and 107 other citizens of Hayesville, Ashland county, praying for the restoration to the municipal code, the authority to municipalities, to prohibit the sale of ale, beer and porter.

Which was referred to the committee on Temperance.

H. B. No. 606—To authorize the town council of the incorporated village of Mt. Gilead, to levy additional taxes to complete a town hall.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Lucas, Brown of Ross, Burns, Curtiss, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes and Williams—25.

So the bill passed. The title was agreed to.

H. B. No. 511—To authorize the County Commissioners of Lake

county to remunerate W. P. Rice for loss sustained by breaking through a bridge.

Was read the third time.

Mr. Bates moved that the bill be laid on the table.

Which was agreed to.

S. B. No. 291—To provide for obtaining and publishing reports of banks, savings institutions and trust companies, organized under the laws of this State.

The special order for this hour was taken up for further consideration.

The question being on reference to a select committee of one.

Mr. Johnston, on leave, withdrew said motion to refer.

Mr. Johnston moved that the bill be referred to a select committee of one with instructions to amend as follows:

In line 5, section 1, strike out the words "January" and "July."

In line 3, section 2, strike out the words "January" and "July."

Which was agreed to.

Mr. Johnston was appointed as such select committee.

Mr. Johnston, on leave, submitted the following report:

The select committee of one to whom was referred S. B. No. 291, with instructions to amend, reports the same back amended as instructed.

J. R. JOHNSTON.

Mr. Kent moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Insert, in section 1, line 2, after the word "institution," the words "or incorporation engaged in the business of banking."

Which was agreed to.

Mr. Kent was appointed as such select committee.

Mr. Kent, on leave, submitted the following report:

The select committee of one to whom was referred S. B. No. 291, with instructions to amend, reports the same back amended as instructed.

M. KENT.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Bates, Beatty, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Rukenbrod, Schenck, Sheridan, Stanton, Stickney, Stokes, Swan and Williams—29.

So the bill passed. The title was agreed to.

Mr. Ault asked and obtained leave to record his vote on the passage of H. B. No. 606. His name being called, he voted in the affirmative.

On motion of Mr. Burrows, H. B. No. 511 was taken from the table.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 27, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes and Williams—27.

Mr. Monahan voted in the negative—1.

So the bill passed. The title was agreed to.

H. B. No. 524—To amend sections 690, 691 and 692 of an act to pro-

vide for the organization and government of Municipal Corporations, passed May 7, 1869.

Was read the third time.

Mr. Stanton moved that the further consideration of said bill be post poned until 10½ o'clock A. M. to-morrow, and the bill be made the special order for that hour.

Which was agreed to.

S. B. No. 275—Relating to inclined plane railway companies organized under the act of May 1, 1852, entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio."

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 32, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Williams—32.

So the bill passed. The title was agreed to.

On motion of Mr. Curtiss S. B. No. 293—To authorize the Board of County Commissioners of Champaign county, Ohio, to levy a tax for the purpose of paying the indebtedness of the Champaign County Agricultural Society—for third reading to-day, was taken from the calendar and laid on the table.

H. B. No. 293—To amend section two of an act to amend and supplementary to an act entitled "An act to provide for the appointment of a Commissioner of Railroads and Telegraphs, and to prescribe his duties," passed April 5, 1867, (64 Ohio Laws, 111); passed May 13, 1868, (65 Ohio Laws, 183.)

Was read the third time.

Mr. Stanton moved that the bill be referred to a select committee of one with instructions to amend as follows:

1st—Strike out the word "three," in line 8, section 12, and insert "two."

2d—Strike out the word "ten," in line 12, same section, and insert "three."

Which was agreed to.

Mr. Stanton was appointed such select committee.

Mr. Stanton, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 293, with instructions to amend, reports the same back amended as instructed.

R. STANTON.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 28, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes and Swan—28.

Mr. Monahan voted in the negative—1.

So the bill passed. The title was agreed to.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed, Senate amendments to H. B. No. 46.

WM. W. BEATTY, J. C. SCHENCK,
H. V. KERR.

On motion of Mr. Spangler H. B. No. 502—To amend section three of an act entitled "An act to authorize the Commissioners of the several counties in this State, through which the national road passes, to take under their care and control so much of the said road as lies within the limits of such counties respectively," passed April 6, 1876, and took effect May 15, 1876, (Ohio Laws, volume 73, page 105.)—for third reading to-day, was taken from the calendar and laid on the table.

H. B. No. 46—To amend section one of an act passed March 27, 1875, (Ohio Laws, volume 72, page 85), entitled "An act to amend section one of an act entitled an act to fix the rates of toll on turnpike and plank road companies,'' passed March 16, 1875, (Swan & Sayler, page 147).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 27, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kleinschmidt, Knox, Lewis, Monahan, Owens, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Stickney, Swan and Williams—27.

Those who voted in the negative were—

Messrs. Andrews, Kessler and Spangler—3.

So the bill passed. The title was agreed to.

H. B. No. 498—To amend section two of an act to authorize and require the Board of Public Works to ascertain and locate all lands belonging to the State, which lies at or near the Public Works of the State, with a proper description of the same; and also proving for the appraisement and sale of the same, passed April 29, 1872.

Was read the third time.

Mr. Curtiss moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Strike out the word "fourth," in line ten, section one, and insert in lieu thereof the word "third."

Which was agreed to.

Mr. Curtiss was appointed such select committee.

Mr. Curtiss, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 498, with instructions to amend, reports the same back amended as instructed.

H. W. CURTISS.

Mr. Schenck moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In line eleven, section one, after the word "in," insert the word "four."

Which was agreed to.

Mr. Schenck was appointed such select committee.

Mr. Schenck, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 498, with instructions to amend, reports the same back amended as instructed.

J. C. SCHENCK.

On motion of Mr. Andrews, the further consideration of said bill was postponed until 3 o'clock p. m.

On motion of Mr. Monahan, the Senate took a recess.

THREE O'CLOCK P. M.

On motion of Mr. Andrews the further consideration of H. B. No. 498, the special order for this hour, was postponed until 10½ o'clock A. M. to-morrow, and made the special order for that hour.

Mr. Burns submitted the following report:

The committee on Municipal Corporations, to whom was referred H. B. No. 544—For the relief of John Mizer and his sureties, having had the same under consideration, report it back and recommend its passage.

A. M. BURNS, H. KESSLER,
T. P. BROWN, J. C. SCHENCK,
JAMES W. OWENS, WM. MILLER,
R. E. REESE.

The bill was ordered to be engrossed and read the third time to-morrow.

This being the hour to which the further consideration of the contested election case of Cox vs. Harmon was adjourned, the Senate proceeded to the consideration of said matter.

Mr. Knox offered the following resolution:

S. R. No. 79—*Resolved*, That the right of any Senator to vote upon any question before the Senate cannot be questioned except as provided in the regular rules of the Senate.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 29, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stokes, Swan, Warnock and Williams—29.

Those who voted in the negative were—

Messrs. Andrews, Ault, Burress, Ellis, Miller and Sheridan—6.

So the resolution was adopted.

Mr. Monahan offered the following resolution:

S. R. No. 80—WHEREAS, There is now pending before this body a contest between Joseph Cox, contestor, and Judson Harmon, contestee, for Judge of the Court of Common Pleas of Hamilton county, and—

WHEREAS, There is no law authorizing this body to go behind the returns to hear and determine evidence in a contest for Judge of the Court of Common Pleas, relative to frauds, or the legality or illegality of any vote cast for said office. And—

WHEREAS, The State has delegated to Trustees of Townships and Supervisors of Elections the sole authority to hear and determine all questions in regard to the right of each elector to cast his vote. Therefore be it—

Resolved by the Senate of the State of Ohio, That this body hear no evidence in said contest relative to the legality or illegality of any vote cast at the October election, from which this contest arises. But that the

Senate confine their investigations and only receive evidence as to the legality of the commission issued by the Governor of the State, based upon the certificate of the Clerk of the Court of Hamilton county.

Mr. Burns moved that said resolution be laid on the table.

On which motion the yeas and nays were taken, and resulted—yeas 24, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—24.

Those who voted in the negative were—

Messrs. Andrews, Ault, Ellis, Haines of Carroll, Hudson, Lewis, Miller, Monahan, Sheridan, Stickney, Stokes and Williams—12.

So the resolution was laid on the table.

Mr. Wilson, counsel for contestee, presented the following motion:

SENATE CHAMBER, COLUMBUS, OHIO.

JOSEPH COX, Contestant,
vs.
JUDSON HARMON, Contestee.

The Contestee moves the Senate to allow further time for the taking of testimony in this case.

B. BUTTERWORTH,
C. W. COWAN,
M. F. WILSON,
Attorneys for Contestee.

On which motion the yeas and nays were demanded, taken and resulted—yeas 20, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Burns, Burress, Ellis, Haines of Carroll, Hudson, Kerr, Lewis, Miller, Monahan, Owens, Reese, Rukenbrod, Sheridan, Stickney, Stokes and Williams—20.

Those who voted in the negative were—

Messrs. Brown of Lucas, Brown of Ross, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Schenck, Spangler, Stanton, Swan and Warnock—16.

So the motion was agreed to.

Mr. Burns, on leave, offered the following resolution:

S. R. No. 81—*Resolved*, That the further hearing of this case be continued until Monday, February 26, 1877, at 3 o'clock P. M., and that the same shall then proceed without further delay.

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 31, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Reese, Rukenbrod, Sheridan, Spangler, Stickney, Stokes and Williams—31.

Those who voted in the negative were—

Messrs. Ransom, Schenck, Stanton, Swan and Warnock—5.

So the resolution was adopted.

Mr. Burns moved that the vote whereby S. R. No. 81 was adopted, be reconsidered.

On which motion the yeas and nays were taken, and resulted—yeas 31, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Kent, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—31.

Those who voted in the negative were—

Messrs. Hudson, Johnston, Kerr, Miller and Monahan—5.

So the motion was agreed to.

Mr. Burns, on leave, withdrew said resolution.

Mr. Burns re-offered said resolution No. 81, for adoption.

Mr. Warnock offered the following substitute:

Resolved, That counsel in the contested election case of Cox vs. Harmon be required to proceed at once with such evidence as they may now have, and that counsel may have until Monday, February 26, 1877, to procure additional evidence.

The question being on the adoption of said substitute, the yeas and nays were taken and resulted—yeas 33, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—33.

So the substitute was adopted.

Mr. Monahan offered the following resolution:

S. R. No. 82—*Resolved by the Senate of the State of Ohio*, That the papers or petition containing the points upon which the contestor in the above case relies, together with the answer of the contestant, be printed for the information of the Senate, and a copy of the same be placed upon the desk of each Senator.

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 26, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Ross, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kerr, Kessler, Knox, Lewis, Monahan, Owens, Philson, Ransom, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—26.

Mr. Johnston voted in the negative—1.

So the resolution was adopted.

Mr. Curtiss offered the following resolution:

S. R. No. 83—*Resolved*, That the Sergeant-at-Arms of the Senate be instructed to see that the manuscripts of evidence presented, be safely kept and returned to the Clerk of the Senate.

The question being on the adoption of the said resolution, the yeas and nays were taken, and resulted—yeas 34, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Miller, Monahan, Owens,

Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—34.

So the resolution was adopted.

Mr. Campbell, counsel for contestor, presented the follwing papers:

1st—Notice of contest filed with contestee.

2—Depositions of Peter Casey, Richard Rooner, Thomas Omearra and others, taken before Messrs. F. H. Rowecamp and Frank A. Dossman, Justices of the Peace in and for the county of Hamilton.

These being filed, Mr. Wilson, counsel for contestee, filed with the Clerk of the Senate, a motion to strike such depositions from the file.

The counsel for contestee also presented the answer of said Judson Harmon, which is in the words and figures following:

IN THE SENATE OF OHIO.

JOSEPH COX, Contestant, *vs.* JUDSON HARMON, Contestee.—Answer.

I. GENERAL DENIAL.

Now comes Judson Harmon, the above named contestee, still insisting upon all the objections hereinbefore by him made, and protesting against the jurisdiction of this Senate, and that he ought not to be compelled to answer to and defend against the notice and specifications hereinbefore filed by said Joseph Cox, and for answer to said notice and specifications denies each and every allegation therein contained.

II. SPECIFICATIONS OF DEFENSE.

And by way of specification of what he expects further to show in his defense, the said Judson Harmon, contestee, alleges:

1. That at the election referred to in said notice there were three Judges of the Court of Common Pleas in and for the First Judicial District of Ohio to be elected, for which offices there were six candidates voted for at said election, to-wit: William L. Avery, Nicholas Longworth, said Judson Harmon, William H. Pugh, said Joseph Cox and Henry A. Morrill, of whom said Avery, Longworth and Harmon, each received a majority of votes legally cast at said election, and each received more lawful votes than said Cox for said office at said ellection; and the said William L. Avery, Nicholas Longworth and Judson Harmon having, as aforesaid, received the highest number and a majority of all the lawful votes cast at said election, were duly declared elected to said office, and were before the filing of the said notice and specifications herein, duly commissioned and sworn as such Judges.

2. That in the various city wards and precincts, townships and precincts, of the county of Hamilton, composing said Judicial District, more specifically named in the specifications of contestant herein, to which reference is made, many persons voted for said Joseph Cox for the said office at said election who had not resided in the State of Ohio nor in the various wards, townships and precincts in which they so respectively voted, the length of time required by law to entitle them to so vote.

3. That in said various wards, townships and precincts, many persons voted for said Joseph Cox for said office at said election who were

not residents of the respective wards, townships and precincts in which they so voted.

4. That in said various wards, townships and precincts, many persons voted for said Joseph Cox for said office at said election who were of foreign birth and had not been duly naturalized as citizens of the United States, and were not entitled under the laws of the United States or the laws of Ohio to so vote.

5. That in said various wards, townships and precincts, many persons voted for said Joseph Cox for said office at said election more than once.

6. That in said various wards, townships and precincts many persons voted for said Joseph Cox for said office who were under the age of twenty-one years.

7. That in said various wards, townships and precincts, the Judges and Clerks of said election counted and certified many votes for said Joseph Cox for said office which were not cast for him therefor.

8. That in said various wards, townships and precincts, the Judges and Clerks of said election omitted to count and certify votes which had been lawfully cast for said Judson Harmon for said office at said election.

9. That the Judges and Clerks of said election in various of the wards, townships and precincts aforesaid, other than those named in the first specification filed by contestant herein, suffered and committed gross irregularities and frauds at said election, consisting in being absent from their respective polls, in excluding from being present at the receiving and counting of the votes cast at their respective polls persons entitled to be present thereat.

10. That the Judges and Clerks of the second precinct of the 13th ward of the city of Cincinnati failed to keep and sign, and return to the Clerk of Hamilton county, with the abstract of votes cast, a poll-book showing the names of persons who voted, and the total number of votes cast.

11. That in the said various wards, townships, and precincts of Hamilton county the Judges and Clerks of said election refused to receive, and did not receive, lawful votes for said Judson Harmon for said office duly offered for him thereat by persons who were entitled to vote at said election in the various wards, precincts and townships in which they so offered to vote.

12. That in various of the wards, townships and precincts aforesaid, many votes were cast for said Joseph Cox upon marked tickets, and many upon tickets otherwise illegal; all of which were improperly counted for said Joseph Cox by the Judges and Clerks of the respective wards, townships and precincts where the same were so cast at said election.

All of which said Judson Harmon, contestee, is ready to make appear.

JUDSON HARMON, BY
GEORGE HOADLEY,
BENJ. BUTTERWORTH,
MOSES F. WILSON,
C. W. COWAN,
His Counsel.

CINCINNATI, February 3, 1877.

Counsel for contestant filed the depositions of Parker Dickson, L. C. Weir, Luke Brannen and other persons, taken before Warren Higley, a notary public within and for the county of Hamilton.

Of Nelson Barrett, D. W. Knox and other persons, taken before said Warren Higley, N. P., in and for the county of Hamilton, and also depositions of George W. Ryan, Ephriam Holland, and other persons, taken before E. H. Rydal, notary public, in and for Hamilton county.

Mr. Wilson, counsel for contestee, filed depositions of Benjamin Funk, F. C· Warrington and Charles Barnett taken before Wm. D. Brent, a notary public, within and for the county of Hamilton.

Of Chas. S. Hundson, James C. Johns, Jno. Hately, A. J. Benson and others taken before Jno. B. Boutel, N. P., in and for the county of Hamiton.

Also, depositions of A. F. Clerk, Thos. J. Grey, C. W. Ebersol and other persons, taken before Ernst Rydal, N. P., in and for Hamilton county.

Mr. Warnock offered the following resolution:

S. R. No. 84—*Resolved*, That all objections to the depositions this day offered, be heard by the Senate on Friday, February, 23, 1877, commencing at 3 o'clock p. m.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 24, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines of Carroll, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Philson, Ransom, Rukenbrod, Schenck, Stanton, Stickney, Stokes, Swan, Warnock and Williams—24.

Those who voted in the negative were—

Messrs. Bates, Brown of Lucas, Ellis, Monahan, Owens and Reese—6.

So the resolution was adopted.

Mr. Knox moved that the further hearing of the contested election case of Cox vs. Harmon be adjourned until Friday.

On which motion the yeas and nays were taken and resulted—yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—31.

So the motion was agreed to.

The case was so adjourned.

On motion of Mr. Burns, the Senate resolved itself into a Committee of the Whole, for the further consideration of S. B. No. 306—after some time spent in the consideration of said bill, the committee rose, reported progress, and asked leave to sit again, which was granted.

On motion of Mr. Johnston, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

WEDNESDAY, FEBRUARY 21, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. J. M. Trimble.

The Journal was read and approved.

Mr. Andrews presented the remonstrance of Dr. J. P. Schneider, Clemns Stuve and other citizens of Jackson township, Auglaize county, against the vacation of the Lewistown reservoir.

Which was referred to a select committee of one—Mr. Andrews.

Mr. Schenck presented the petition of citizens of the township of Rockport, Cuyahoga county, asking for the passage of a bill giving the trustees authority to purchase land and erect an infirmary.

Which was referred to the committee on Municipal Corporations.

Mr Lewis presented the petition of L. S. Minnick and sixty other citizens of Tascarawas county, praying for the passage of S. B. No. 304—by Mr. Lewis.

Which was referred to the committee on Common Schools.

H. B. No. 510—To aid the board of public works to build a bridge on the Western Reserve and Maumee road, over the Sandusky river.

Was read the third time.

Mr. Stanton moved that the bill be referred to a select committee of one, with instructions to amend as follows:

After the word "State" in line four, section one, insert the words "arising from tolls collected from said road."

Strike out in same line and section, the words "or may be hereafter paid in by said lessees."

On which motion the yeas and nays were taken, and resulted—yeas 10, nays 22, as follows:

Those who voted in the affirmative were—

Messrs. Brown of Ross, Burrows, Johnston, Kleinschmidt, Knox, Philson, Rukenbrod, Spangler, Stanton and Warnock—10.

Those who voted in the negative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Curtiss, Ellis, Haines of Carroll, Hudson, Kerr, Kessler, Lewis, Monahan, Owens, Ransom, Reese, Stickney, Stokes, Swan and Williams—22.

So the motion to refer was disagreed to.

Mr. Burrows moved that the senate take a recess.

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 23, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Andrews. Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kerr, Kessler, Lewis, Monahan, Owens, Ransom, Reese, Schenck, Stickney, Stokes, Swan and Williams—23.

Those who voted in the negative were—

Messrs. Brown of Ross, Johnston, Kleinschmidt, Knox, Philson, Rukenbrod, Spangler, Stanton and Warnock—9.

So the bill passed. The title was agreed to.

On motion of Mr. Ellis the Senate took a recess.

THREE O'CLOCK P. M.

Mr. Kleinschmidt, on leave, offered the following joint resolution:

S. J. R. No. 46—WHEREAS, the Lighthouse Board have for several years deemed it necessary to the interest of commerce that a lighthouse and fog signal should be erected on Stannard's Rock, in Lake Superior; and

WHEREAS, a bill making appropriations therefor has been introduced in the House of Representatives, but has not yet been acted on; and

WHEREAS, the great and increasing commerce of our lakes, exceeding our ocean tonnage, imperatively demands the prosecution and completion of the work named at an early day; therefore

Resolved, By the Senate and House of Representatives of the State of Ohio, That our Senators and Representatives in Congress be requested to use all honorable means to procure the necessary appropriation for the erection of a lighthouse and fog signal on Stannard's Rock, Lake Superior, under the superintendence of the Lighthouse Board.

Resolved, That his Excellency, the Governor, be requested to transmit copies of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

The question being on the adoption of said resolution, the yeas and nays were taken, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Schenck, Sheridan, Spangler, Stanton, Stokes, Swan and Williams—29.

So the resolution was adopted.

H. B. No. 544—Nor the relief of John Mizer and his sureties.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Reese, Schenck, Sheridan, Spangler, Stokes, Swan and Williams—28.

So the bill passed. The title was agreed to.

The President presented a communication addressed to the Sergeant-at-Arms, from the Door-keeper of the House of Representatives of the State of Indiana, relative to a visit by a committee from that body to this State, for the purpose of inspecting State buildings here.

Which was referred to the committee on Federal Relations.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled the following bills:

S. B. No. 273—Supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies.

S. B. No. 283—To divide the township of Richland, Allen county, into two election precincts.

S. B. No. 271—To authorize the trustees of Geneva township, Ashtabula county, to levy a tax and issue bonds for certain purposes therein named.

C. J. SWAN, H. V. KERR,
T. P. BROWN, ASA TOBEREN,
J. W. WASHBURN, THOS. S. LUCCOCK.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

S. B. No. 283—Mr. Andrews, from select committee—To divide the township of Richland, Allen county, into two election precints.

S. B. No. 271—Mr. Burrows—To authorize the trustees of Geneva township, Ashtabula county, to levy a tax and issue bonds for certain purposes therein named.

S. B. No. 273—Mr. Brown of Lucas—Supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, (S. & C., vol. 1, p. 276,) and re-enacted by section three of an act entitled an act to provide for and regulate street railroad companies, passed and took effect April 10, 1861, (S. & S., p. 134.)

Attest: WM. LEONARD, *Clerk.*

The President, *pro tem.*, in presence of the Senate, signed said bills.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 38—Mr. Burns—To provide means for the defense of persons accused of crime unable to employ counsel—

With the following amendments, in which the concurrence of the Senate is requested:

1st—Strike out all of section one, after the enacting clause, and insert the following:

That section 104 of the act entitled "An act to establish a code of criminal procedure for the State of Ohio," passed May 6, 1869, be so amended as to read as follows:

Section 104. After a copy of the indictment has been served, or opportunity had for receiving the same, the accused shall be brought into Court, and if he be without counsel and unable to employ any, the Court shall assign him counsel, not exceeding two, who shall have access to the accused at all reasonable hours; but such counsel shall not be a partner in the practice of the law of the attorney having charge of the prosecution. Counsel so assigned in any case of felony, shall be paid for their services by the county, and may receive therefor, in any case of homicide, not exceeding one hundred dollars; and in any other case, not exceeding fifty dollars; but the Auditor shall not draw an order on the Treasurer for the payment of any such counsel until his account for such service has been approved by the Court and allowed by the Commissioners.

2d—Strike out all of section two after the words "section two," and insert the following:

"Original section one hundred and four of the act hereby amended, as amended January 5, 1871, as amended February 26, 1874; and also the act to amend section fourteen of an act directing the mode of trial in criminal cases," passed March 7, 1831, as amended by an act passed March 14, 1862, as amended by an act passed February 1, 1864, (S. & C., 1183; Swan's R. S., 725; 59th Vol. Stat., 26; S. & S., 612), passed April

18, 1870, passed March 3, 1875, (Ohio Laws, Vol. 72, p. 46), and all of said acts except said original act of March 7, 1831, are hereby repealed.

3d—Add the fullowing:

Sec. 3. This act shall take effect and be in force from and after its passage.

4th—Amend the title so as to read as follows:

To amend section 104 of the act entitled "An act to establish a code of criminal procedure for the State of Ohio, passed May 6, 1869, and to repeal certain acts therein named."

Attest: WM. LEONARD, *Clerk.*

Mr. Burrows moved that the bill, with pending amendments, be laid on the table and ordered to be printed.

Which was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 91—Mr. Converse—Providing for the appointment of a joint committee to extend courtesies to a visiting committee from the Legislature of the State of Indiana.

Attest: WM. LEONARD, *Clerk.*

On motion of Mr. Andrews, the blank in said resolution was filled with the word "three."

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Reese, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Williams—30.

So the resolution was adopted.

The President *pro tem.* appointed Messrs. Bates, Brown of Lucas and Andrews as members of such joint committee on part of the Senate.

Mr. Lewis, on leave, submitted the following report:

The committee on Benevolent Institutions, to whom was referred H. B. No. 617—To amend section twenty of an act entitled "An act for the relief of the poor, and to repeal certain acts therein named," passed April 12, 1876, (O. L., Vol. 73, p. 233), having had the same under consideration, report it back and recommend its passage.

E. P. RANSOM, E. C. LEWIS,
H. V. KERR, E. T. STICKNEY,
J. K. RUKENBROD, J. R. PHILSON,
J. C. SCHENCK.

The bill was ordered to be read the third time.

The bill was read the third time.

Mr. Knox moved that the further consideration of said bill be postponed until 10½ o'clock A. M. to-morrow, and made the special order for that hour.

Which was agreed to.

S. B. No. 251—To punish the practice of resorting to distant courts to oppress citizens of Ohio, and deprive them of their rights under the statutes of Ohio—the special order for 10½ o'clock A. M. to-day, was taken up for further consideration.

The question being on the reconsideration of the vote whereby the bill was referred to a select committee of one.

Said motion to reconsider was agreed to.

The question recurring on said motion to refer, the motion was disagreed to.

Mr. Owens moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In line nine, section one, after the word "Ohio," insert: "Such person or persons, whether principal, agent or attorney."

In line seven, section two, after the word "resides," insert: "Such person or persons, whether principal, agent or attorney."

Which was agreed to.

Mr. Owens was appointed such select committee.

Mr. Owens, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 251, with instructions to amend, reports the same back amended as instructed.

JAMES W. OWENS.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 25, nays 8, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Curtiss, Ellis, Haines of Carroll, Hudson, Kessler, Lewis, Monahan, Owens, Ransom, Reese, Schenck, Sheridan, Stanton, Stickney, Stokes, Swan, Warnock and Williams—25.

Those who voted in the negative were—

Messrs. Burrows, Johnston, Kent, Kleinschmidt, Knox, Philson, Rukenbrod and Spangler—8.

So the bill passed. The title was agreed to.

On motion of Mr. Burrows, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

THURSDAY, FEBRUARY 22, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Dr. F. Merrick of Delaware, Ohio.

The Journal was read and approved.

Mr. Monahan, on leave, offered the following resolution:

S. R. No. 47—WHEREAS, the Temperance Reform State Convention meets in the city of Columbus to-day, for the purpose of placing in nomination candidates for Governor and other State officers; and

WHEREAS, there are members of this body desirous of attending said convention, therefore be it

Resolved by the Senate of the State of Ohio, That the Senate now adjourn in order that the members of this body, in favor of temperance and reform, may attend said convention.

The resolution was laid on the table under notice given by Mr. Curtiss, of intention to discuss its provisions.

Bills were read the second time and referred as follows:

S. B. No. 323—To amend section fifty-three of the code of civil procedure. (Swan & Critchfield, page 960.)

To the committee on Judiciary.

S. B. No. 324—Prescribing the fees of County Auditors and Treasurers.

To the committee on Fees and Salaries.

S. B. No. 325—To amend section eighty-nine of an act for the reorganization and maintenance of common schools. (O. L., Vol. 70, p. 222.)

To committee on Common Schools and School Lands.

S. B. No. 326—To amend section seventeen of an act entitled an act authorizing the election of a board of police commissioners, and consolidating the same with the board of health in cities of the first class, with a population of less than one hundred and fifty thousand and over ninety thousand inhabitants at the last Federal census, and to repeal certain acts. (O. L., Vol. 73, p. 47.)

To the committee on Municipal Corporations.

S. B. No. 327—To regulate insurance companies.

To committee on Insurance.

S. B. No. 328—To provide for the platting and recording of fractions of land.

To the committee on Judiciary.

S. B. No. 329—Authorizing district courts to order abstracts of legal notices and advertisements to be published, in counties constituting for itself a judicial district.

To the committee on Judiciary.

S. B. No. 330—To amend section one of an act to prevent collisions on railroads within the State of Ohio, passed and took effect March 24, 1860. (57 volume statute, 106; Swan & Critchfield, page 372.)

To the committee on Railroads and Telegraphs.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled, the following bills and joint resolutions:

H. B. No. 479—To authorize the removal of drift, timber and other obstructions from the natural channel of streams, and to protect land from overflow.

H. B. No. 541—To amend an act passed May 1, 1861, entitled an act to provide for the creation and regulation of township Agricultural Societies.

H. B. No. 555—To authorize the transfer of certain funds of the village of Oberlin.

H. B. No. 320—To regulate the traffic in the sale or exchange of scrap iron, old metal, rope or junk.

H. J. R. No. 87—Providing for the publishing of a law omitted from the publication of laws for the year 1876.

H. J. R. No. 85—Directing the Superintendent of the State-house to construct shelving in room 91 for the use of the Clerk of the Supreme Court.

E. L. Lybarger, Thos. S. Luccock,
Asa Toberen, C. J. Swan,
T. P. Brown, E. C. Lewis.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and joint resolutions:

H. B. No. 320—Mr. Nigh—To regulate the traffic in the sale or exchange of scrap iron, old rope and junk.

H. B. No. 479—Mr. Inman—To authorize the removal of drift, timber, and other obstructions from the natural channel of streams, and to protect lands from overflow.

H. B. No. 541—Mr. Blake—To amend an act passed May 1, 1861, entitled an act to provide for the creation and regulation of township Agricultural Societies.

H. B. No. 555—Mr. Faxon—To authorize the transfer of certain funds of the village of Oberlin.

H. J. R. No. 85—Mr. Scheble—Directing the Superintendent of the State-house to construct shelving in room 91, for the use of the Clerk of the Supreme Court.

H. J. R. No. 87—Mr. Bowen—Providing for the publication of a law omitted from the publication of laws for the year 1876.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills and joint resolutions.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 304—Mr. Bogardus—For the better protection of policy holders in Life Insurance Companies.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced into the House of Representatives and read the first time:

H. B. No. 700—Mr. Neal—To allow certain cities of the second class, to purchase or erect gas works.

H. B. No. 701—Mr. Edwards—To amend an act passed March 30, 1875, (72 vol., 166,) whereby the first section of the act of 1843, (S. & C., 833,) to create a lien in favor of mechanics and others, in certain cases, was amended and repealed.

H. B. No. 702—Mr. Fenton—To create a special school district in Dover township, Fulton county, Ohio.

H. B. No. 703—Mr. Breck—To give certain power to establish turnpike or plank roads, in Brooklyn village, Cuyahoga county.

H. B. No. 704—Mr. Cleaver—To create two separate election precincts in Flushing township, Belmont county.

H. B. No. 705—Mr. Barrett—To amend sections one, two and three of an act entitled an act requiring township Assessors to ascertain the number of sheep killed and injured by dogs. (S. & C., page 87.)

H. B. No. 706—Mr. Bowen—To amend section sixty of an act to provide for the organization and government of Municipal Corporations.

H. B. No. 707—Mr. Wiltsee—To amend section two of an act entitled an act to protect more effectually railroad passengers from casualties by fire, passed May 4, 1869. (O. L., vol. 66, p. 95.)

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 45—Mr. Brown of Lucas—Providing for the printing of the report of the Fish Commissioner.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 67—Mr. Perkins—In regard to the dating of pensions allowed by the United States Government.

Attest: WM. LEONARD, *Clerk.*

Referred to the committee on Military Affairs.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 650—Mr. Dalzell—For the relief of Henry Ahrendts, Treasurer of Jefferson township, Noble county.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 687—Mr. Myers—Authorizing the Trustees of Orange township, Ashland county, Ohio, to transfer certain funds therein named to the general funds of said township.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 477—Mr. Goebel—Regulating the forfeiture of Life Insurance Policies.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 644—Mr. Nigh—To authorize the Board of Education of Perry township, Lawrence county, to levy a tax to pay the indebtedness of said township, incurred in the erection of school houses.

H. B. No. 681—Mr. Dow—To authorize the council of the incorporated village of Bellefontaine to transfer the sum of three hundred dollars from the street fund of said village to the police fund.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 90—Mr. Monahan—Instructing the Superintendent of the Hospital for the Insane at Dayton, Ohio, to receive for treatment and restraint an insane citizen of Wales, now confined in the County Infirmary of Van Wert.

Attest: WM. LEONARD, *Clerk.*

Referred to the committee on Benevolent Institutions.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 44—Mr. Philson—Providing for the printing and distribution of the State Library Catalogue, with the following amendments, in which the concurrence of the Senate is requested:

In line four, after the word "form," insert the words "two hundred and fifty copies of."

In line nine, after the word "number," insert the word "and," and in the same line, after the word "officer," strike out the words "and employees."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendment, the yeas and nays were taken, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Curtiss, Ellis, Haines of Carroll, Hudson, Kent, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Swan and Williams—27.

So the amendments were concurred in.

Mr. Beatty submitted the following report:

The standing committee on Revision have examined and found correctly engrossed S. B. No. 231.

W. W. Beatty,
J. C. Schenck,
H. V. Kerr.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 529—Mr. Sellards—To amend section one of an act amendatory of an act entitled "An act to provide for the safety of persons attending public assemblies," passed April 13, 1865, amended May 12, 1868. (Swan & Sayler, page 635).

Attest: Wm. Leonard, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 647—Mr. Lybarger—To authorize the election of one additional Judge of the Court of Common Pleas in the third sub-division of the sixth judicial district of the State of Ohio.

Attest: Wm. Leonard, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has refused to concur in the passage of—

S. B. No. 264—Mr. Beatty—Supplementary to an act passed April 11, 1876, (Ohio Laws, volume 73, page 169), to amend section seven of an act to authorize the County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act named therein, as passed March 29, 1867.

Attest: Wm. Leonard, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 597—Mr. Oglevee—To amend section four hundred and thirty-six of the code of civil procedure, as passed March 11, 1853, took effect June 1, 1853, (51 volume Statutes, 57), as amended and took effect April 6, 1859. (56, page 242; Swan & Critchfield, page 1074.)

H. B. No. 575—Mr. Dow—To amend section five hundred and fifty-two of an act entitled "an act to establish a Code of Civil Procedure," passed March 11, 1853. (Swan & Critchfield, page 1117.)

H. B. No. 567.—Mr. Sellards—To amend sections two and three of an act entitled "an act to authorize the commissioners of Scioto county to borrow money on the bonds of the county to discharge the existing liabilities of said county, now in the shape of turnpike floating orders; passed April 11, 1876.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested—

H. B. No. 659—Mr. Monahan—Authorizing the council of the incorporated village of Nelsonville, Athens county, to transfer certain funds.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. No. 239—Mr. Owens—supplementary to an act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852—

With the following amendment, in which the concurrence of the Senate is requested:

In lines 5 and 6, section 1, strike out the words "a majority in interest of the stockholders," and insert "two-thirds of the capital stock of any such company."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendment, the yeas and nays were taken and resulted—yeas 29, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Owens, Ransom, Ruken-

brod, Schenck, Stanton, Stickney, Stokes, Swan, Warnock and Williams—29.

So the amendment was concurred in.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time.

H. B. No. 708—Mr. Stone—To create a special school district in the townships of Green and Springfield, in the county of Gallia.

H. B. No. 709—Mr. Toberen—Requiring the Auditor of Defiance county to refund certain taxes, improperly collected.

H. B. No. 710—Mr. Monahan—To regulate Mines and Mining; to establish a Bureau of Statistics and Mining, and of the mineral resources of the State of Ohio, and to repeal an act therein named.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 249—Mr. Rukenbrod—To amend an act entitled "an act to regulate the election of State and county officers," passed May 3d, 1852, (Swan & Critchfield," page 532), amended April 12, 1870. (Ohio Laws, volume 67, page 47.)

With the following amendments in which the concurrence of the Senate is requested—

Amend section 6 of engrossed bill by striking out the words "the" and "minority" in lines 10 and 11, and insert in lieu thereof "two opposite political parties;" also insert the following after the word "election" in line 12 of said section, viz: "And excepting where all the electors receiving votes as aforesaid shall be of the same political party, then said electors chosen as trustees shall constitute the judges of election therein."

Strike out all after the word "two" in line 26, and before the word "the" in line 29, and insert in lieu thereof the following: "Councilmen of such ward and the elector who is of an opposite political party to either, or both of such councilmen receiving at the preceding April election."

After the word "electors" in line 30, in same section, insert the following, to-wit: "Who are of an opposite political party to either or both of the councilmen of such ward;" also to amend lines 12 and 13 by striking out the words "the" and "minority," and insert the following: "two political parties."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken, and resulted—yeas 33, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—33.

So the amendments were concurred in.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives requests the return of—

S. B. No. 264—Mr. Beatty—Supplementary to an act passed April 11, 1876, (Ohio Laws, volume 73, page 169), to amend section seven of an act to authorize the County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act named therein, as passed March 29, 1867.

Attest: WM. LEONARD, *Clerk.*

The request of the House was acceded to, and the bill returned.

H. B. No. 617—To amend section 20, of an act entitled "An act for the relief of the poor, and to repeal certain acts therein named," passed April 12, 1876, (O. L., vol. 73, p. 233)—The special order for 10:30 o'clock a. m., was taken up for further consideration.

Mr. Burns moved that the bill be referred to a select committee of one with instructions to amend as follows:

Add at the end of section one the following words, "Provided, that the provisions of this section shall not apply to gifts, devises or bequests, made by last will or testament, subsequent to the 30th day of March, 1874, when said gifts, devices or bequests are contrary to the provisions of the act of March 30, 1874, entitled "An act to amend the first section of an act entitled 'an act relating to wills' and the repeal of former acts relating thereto," passed May 3, 1852, took effect June 1, 1852, (S. & C., 1615, O. L., vol. 72, p. 1).

Which was agreed to.

Mr. Burns was appointed such select committee.

Mr. Burns, on leave, submitted the following report;

The select committee of one, to whom was referred H. B. No. 617, with instructions to amend, reports the same back amended as instructed.

A. M. BURNS.

Mr. Burns moved that the bill be referred to a select committee of one with instructions to amend as follows:

Add to the end of section 1 the following:

"And the provisions of said act relating to any bequest or devise by last will or testament for benevolent or charitable purposes, shall be, and are hereby revived."

Which was agreed to.

Mr. Burns was appointed such select committee.

Mr. Burns, on leave, submitted the following report:

The select committee of one to whom was referred House Bill No. 617, with instructions to amend, reports the same back amended as instructed.

A. M. BURNS.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 33, nays none, as follows:

Those who voted in the affirmative were:

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston,

Kent, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—33.

So the bill passed. The title was agreed to.

Mr. Monahan, on leave offered the following resolution:

S. R. No. 86—WHEREAS, This the 22d day of February is the 145th birth day of George Washington, the father of our country, by whose wisdom and patriotism our liberties were acheived, and by whom the blessings of civil liberty, law and order, both National and State, were brought about and established in the land of America; and,

WHEREAS, We the degenerate sons, need a day of rest, and thought to commemorate the birth and bring our minds into a proper state to emulate the virtues and patriotism of the beloved and ever to be revered father; therefore,

Be it resolved by the Senate of the State of Ohio, That the Senate now adjourn in honor and memory of the birth of George Washington, whose memory will ever live in the hearts of every true American, and whose virtue and patriotism will shine as the midday sun as long as our civil liberty and free government shall exist.

Mr. Burrows gave notice of an intention to discuss the provisions of said resolution.

Mr. Monahan moved that the rule requiring the resolution to lie on the table under said notice be suspended.

On which motion the yeas and nays were taken, and resulted—yeas 18, nays 13, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Burress, Curtiss, Haines of Carroll, Hudson, Lewis, Monahan, Owens, Ransom, Reese, Schenck, Sheridan, Stickney, Stokes, Warnock and Williams—18.

Those who voted in the negative were—

Messrs. Bates. Brown of Lucas, Brown of Ross, Burns, Burrows, Kent, Kessler, Kleinschmidt, Knox, Philson, Rukenbrod, Spangler and Stanton,—13.

So the motion was disagreed to.

The resolution was laid on the table.

On motion of Mr. Andrews, H. B. No. 498—To amend section 2 of an act to authorize and require the board of public works to ascertain and locate all lands belonging to the State, which lies at or near the public works of the State, with a proper description of the same; and also, providing for the appraisement and sale of the same, passed April 29, 1872—was taken up for further consideration.

Mr. Andrews moved that the bill be referred to a select committee of one with instructions to amend as follows:

Strike out all after the word "annually," in line 13, section 2, to the word "and" in line 16, in same section, and insert "and the said Auditor of State shall give to purchasers certificates of purchase and of payment of principal and interest, as the same shall be made; and upon full payment of purchase money and interest, the Governor of the State shall execute deeds to said purchasers or their assignees in fee simple for the lands sold.

Which was agreed to.

Mr. Andrews was appointed such select committee.

Mr. Andrews, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 498, with

instructions to amend, reports the same back, amended as instructed.

GEO. W. ANDREWS.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Knox, Lewis, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Stanton, Stickney, Stokes, Warnock and Williams—30.

So the bill passed. The title was agreed to.

Mr. Burns moved that the Senate take a recess.

Mr. Andrews moved that the Senate adjourn.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 12, nays 18, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Burress, Haines of Carroll, Hudson, Lewis, Monahan, Reese, Schenck, Stickney, Stokes and Williams—12.

Those who voted in the negative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Knox, Owens, Philson, Ransom, Rukenbrod, Spangler, Stanton and Warnock—18.

So the motion was disagreed to.

The question recurring on the motion by Mr. Burns—

The Senate took a recess.

THREE O'CLOCK P. M.

The following bills were introduced, on leave, and read the first time:

S. B. No. 331—Mr. Knox—To change the sub-division of the eighth judicial district, to create additional sub-divisions and for the election of additional judges therein.

S. B. No. 332—Mr. Brown of Lucas—Supplementary to an act entitled "An act to amend sections 97, 643, 649, 650 and 656 of an act to provide for the organization and government of municipal corporations," passed May 7, 1869, (vol. 66, p. 165), and section 663 of said act as amended April 18, 1870, (vol. 67, p. 85), passed April 8, 1876, (vol. 73, p. 125).

S. B. No. 333—Mr. Kleinschmidt—To amend section 78 of an act entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, and amended April 17, 1854, (S. & C., p. 271).

S. B. No. 334—Mr. Lewis—To authorize the Commissioners of Tuscarawas county, Ohio, to make compensation to Geo. W. Ellis, as watch at the county jail of said county.

S. B. No. 335—Mr. Warnock—To change the times for holding the second and third terms of the Court of Common Pleas in the counties of Miami and Champaign for the year 1877.

Mr. Warnock moved that the constitutional rule requiring bills to be read on three different days be dispensed with, and S. B. No. 335 be read the second time.

On which motion the yeas and nays were taken and resulted—yeas 30, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stokes, Swan, Warnock and Williams—30.

Mr. Monahan voted in the negative—1.

So the rule was dispensed with.

The bill was read the second time and referred to the committee on Judiciary.

Mr. Burrows submitted the following report:

The standing committee on Federal Relations, to whom was referred H. J. R. No. 89—having had the same under consideration, report it back without recommendation.

S. S. Burrows, Wm. Stokes,
E. F. Kleinschmidt, Samuel Knox.

Mr. Johnston offered the following substitute to said resolution:

Whereas, Thousands of Union soldiers, during and since the late rebellion, have been buried in the various cemeteries throughout this State; and,

Whereas, In many instances, there are no head stones or other monuments marking their graves; and,

Whereas, The general government has made provision for erecting suitable monuments to their memory; therefore,

Be it resolved by the General Assembly of the State of Ohio, That we respectfully call the attention of Congress to this subject, and request the erection of some suitable monument in the public grounds surrounding the State House, commemorative of their sacrifices, valor and patriotism.

Resolved, That the Governor be requested to forward a copy of this resolution to each of our Senators and members of Congress.

Mr. Stanton moved to lay the resolution with pending substitute on the table.

Which was disagreed to.

The question being on the adoption of the substitute, the yeas and nays were taken, and resulted—yeas 32, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Stokes, Warnock and Williams—32.

So the substitute was adopted.

The question being on the adoption of the resolution, as amended, the yeas and nays were taken, and resulted—yeas 34, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Stanton, Stokes, Swan, Warnock and Williams—34.

So the resolution was adopted.

Mr. Burrows, on leave, offered the following joint resolution:

S. J. R. No. 47—*Resolved by the General Assembly of the State of Ohio*, That the Adjutant-General be, and he is hereby authorized and required to ascertain as speedily as possible, the names of all Union soldiers who have been buried during and since the late rebellion, and whose graves are not marked by any head stones or other monument, and to record the name of such soldiers in a suitable book to be kept for that purpose, together with the company and regiment or battery to which such soldier may have belonged.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 33, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stokes, Swan, Warnock and Williams—33.

So the resolution was adopted.

The following bill was introduced, on leave, and read the first time:

S. B. No. 336—Mr. Monahan—To authorize the Commissioners of Jackson county to lease part of the public square, in the incorporated village of Jackson, for certain purposes.

H. B. No. 524, the special order for 10½ o'clock yesterday, was taken up for further consideration.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 21, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Burns, Burress, Ellis, Haines of Carroll, Hudson, Kerr, Kessler, Kleinschmidt, Miller, Monahan, Owens, Philson, Ransom, Sheridan, Spangler, Stanton, Stickney and Warnock—21.

Mr. Johnston voted in the negative—1.

So the bill passed. The title was agreed to.

S. B. No. 231—Mr. Bates—To authorize free banking.

Was read the third time.

Mr. Johnston moved that the bill be referred to a select committee of one, to amend as follows:

In line 10, of section 22, strike out the words "a misdemeanor," and insert in lieu thereof the words "an offense."

Which was agreed to.

Mr. Johnston was appointed such select committee.

Mr. Johnston, on leave, submitted the following report:

The select committee of one, to whom was referred Senate Bill No. 231, with instructions to amend, reports the same back amended as instructed.

J. R. Johnston.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 25, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Bates, Brown of Lucas, Brown of Ross, Burress, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Owens, Philson, Ransom, Reese, Rukenbrod, Sheridan, Stanton, Stickney, Stokes, Swan and Williams—25.

Mr. Warnock voted in the negative—1.

So the bill passed. The title was agreed to.

Mr. Swan, on leave, introduced the following bill, which was read the first time:

S. B. No. 337—To amend section 51 of an act entitled "An act to provide for the settlement of the estates of deceased persons," passed March 23, 1840, and took effect November 1, 1840, (S. & C., 575.)

Mr. Burns submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 630—To authorize the County Commissioners of Holmes county to build a jail and sheriff's residence—having had the same under consideration, report it back, and recommend its passage.

A. M. Burns, T. P. Brown,
Wm. Miller, R. E. Reese,
J. C. Schenck, H. Kessler,
James W. Owens.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 30, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—30.

Mr Johnston voted in the negative—1.

So the bill passed. The title was agreed to.

Mr. Spangler submitted the following report:

The standing committee on Public Expenditures, to whom was referred H. J. R. No. 76—Requiring all claims for expenses incurred by the several committees of the House and Senate to be presented to the standing committee on Claims, in either body, for examination and approval—having had the same under consideration, report it back, and recommend its adoption.

A. Spangler, W. R. Warnock,
E. F. Kleinschmidt, A. R. Haines,
I. T. Monahan,

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 11, nays 18, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Burrows, Haines of Carroll, Kleinschmidt, Monahan, Owens, Sheridan, Spangler, Stanton, Warnock and Williams—11.

Those who voted in the negative were—

Messrs. Andrews, Beatty, Brown of Lucas, Burns, Burress, Curtiss, Ellis, Hudson, Kent. Kessler, Knox, Lewis, Philson, Rukenbrod, Schenck, Stickney, Stokes and Swan—18.

So the resolution was lost.

Mr. Schenck submitted the following report:

The standing committee on Benevolent Institutions, to whom was referred S. B. No. 266—To amend section two of an act to better provide for the organization, regulation and management of hospitals for the insane, passed March 27, 1876, (O. L., vol. 73, p. 81.)—having had the same under consideration, report it back, with following amendments, and recommend its passage when so amended.

Strike out all of section two, and insert:

"SECTION 2—The district for the Cleveland Hospital for the Insane shall be composed of the counties of Ashtabula, Trumbull, Mahoning, Columbiana, Stark, Portage, Geauga, Lake, Cuyahoga, Summit, Wayne, Medina and Lorain; the district for the Columbus Hospital for the Insane shall be composed of the counties of Lucas, Ottawa, Wood, Sandusky, Erie, Huron, Seneca, Hancock, Wyandot, Crawford, Richland, Ashland, Hardin, Marion, Morrow, Knox, Holmes, Coshocton, Tuscarawas, Carroll, Jefferson, Harrison, Belmont, Muskingum, Licking, Delaware, Franklin, Pickaway, Madison and Union; the district for the Dayton Hospital for the Insane shall be composed of the counties of Logan, Champaign, Clark, Williams, Fulton, Defiance, Henry, Paulding, Putnam, Fayette, Van Wert, Allen, Mercer, Auglaize, Shelby, Darke, Miami, Preble, Montgomery, Greene, Butler, Warren, Clinton and Clermont; the district for the Athens Hospital for the Insane shall be composed of the counties of Fairfield, Perry, Morgan, Noble, Monroe, Washington, Athens, Meigs, Galia, Lawrence, Scioto, Jackson, Vinton, Hocking, Ross, Pike, Adams, Brown, Highland and Guernsey.

J. C. SCHENCK, H. V. KERR,
E. C. LEWIS, E. P. RANSOM,
J. K. RUKENBROD, J. R. PHILSON,
E. T. STICKNEY.

The amendment was agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Kessler submitted the following report:

The standing committee on Fees and Salaries, to whom was referred S. B. No. 296—Supplementary and amendatory of the act entitled "An act to amend sections two, four and twenty-four of an act entitled 'An act to preserve the purity of elections,'" passed March 20, 1841, (Swan & Critchfield, 543, 544, 547), as amended by the acts of April 15, 1857, (volume 54, Ohio Laws, 136), May 30, 1864, (volume 61, Ohio Laws, 83), and April 15, 1867, (volume 64, Ohio Laws, 151), and to repeal the acts amendatory thereof and supplementary thereto, passed February 15, 1861, (volume 58, Ohio Laws, 17), May 30, 1864, (volume 61, Ohio Laws, 83), April 15, 1867, (volume 64, Ohio Laws, 151), and April 16, 1867, (volume 64, Ohio Laws, 228, 229), as amended April 17, 1868, (Swan & Sayler, 340.)—having had the same under consideration, report it back with the following amendments and recommend its passage when so amended:

In section 2, strike out all of lines 1, 2, 3, and so much of line 4 as includes the word "enjoined."

In line 6, after the word "person," add the following words: "resident of each election precinct."

In same line, strike out words "during the continuance of such cause."

At the end of the same section, add the following: "if for any cause any register shall be unable to discharge the duties herein enjoined, the vacancy shall be filled by the appointing power."

In section 3, line 3, strike out the words "Mayor's office," and in lieu thereof add the following words: "usual place of holding elections in each of the election precincts.

H. KESSLER, H. W. CURTISS,
SAMUEL KNOX, A. SPANGLER,
ELIAS ELLIS.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time Tuesday.

Mr. Stickney submitted the following report:

The standing committee on Agriculture, to whom was referred H. B. No. 487—To amend an act entitled "An act to establish a uniform standard of weights and measures," passed March 21, 1863, (S. & S., p. 926); passed February 21, 1873. (O. L., vol. 70, p. 39); March 10, 1876, (O. L., vol. 73, p. 22)—having had the same under consideration, report it back and recommend its passage.

E. T. Stickney, A. R. Haines,
S. A. Brown, H. Kessler,
Elias Ellis.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Warnock submitted the following report:

The standing committee on Corporations other than Municipal, to whom was referred S. B. No. 189—To authorize and empower the town council of the incorporated village of Middletown, Butler county, Ohio, to make certain transfers of the corporation funds of said village—having had the same under consideration, report it back, with the following amendment, and recommend its passage when so amended:

At the end of section 1, insert the following: "Section 2—This act shall take effect and be in force from and after its passage."

W. R. Warnock, Wm. W. Beatty,
R. Stanton, Geo. W. Andrews.

The amendment was agreed to.

The bill was ordered to be read the third time to-morrow.

Mr. Kessler submitted the following report:

The committee on Fees and Salaries, to whom was referred H. B. No. 577—For the relief of Ellis Davis and the sureties on his official bond—having had the same under consideration, report it back without recommendation.

H. Kessler, H. W. Curtiss,
Samuel Knox, A. Spangler,
Elias Ellis.

The bill was ordered to be read the third time Tuesday.

Mr. Ransom submitted the following report:

The standing committee on Common Schools, to whom was referred H. B. No. 307—To authorize the creation of a special school district in Brush Creek township, Scioto county—having had the same under consideration, report it back, with the following amendment, and recommend its passage when so amended:

At the end of line 2, section 6, insert the words "with the exceptions herein above provided."

E. P. Ransom, Samuel Knox,
S. S. Burrows, James W. Owens,
W. Sheridan, Jr., E. T. Stickney.

The amendment was agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Burns submitted the following report:

The standing committee on Municipal Corporations to whom was re-

ferred S. B. No. 316—To repeal section 665 of an act entitled "An act to provide for the organization and government of Municipal Corporations," passed May 7, 1869, and took effect July 1, 1869, (O. L., vol. 66, p. 262); also, to repeal section 666 of the same act, as amended April 18, 1870, (O. L., vol. 67, p. 86)—having had the same under consideration, report it back and recommend its passage.

A. M. Burns, T. P. Brown,
J. C. Schenck, H. Kessler,
James W. Owens.

The bill was ordered to be engrossed and read the third time to-morrow.

On motion of Mr. Ellis, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

Friday, February 23, 1877—10 o'clock, a. m.

The Senate met pursuant to adjournment.

Prayer by Rev. J. M. Trimble.

The Journal was read and approved.

Mr. Rukenbrod, on leave, submitted the following report:

The committee on Public Printing, to whom was referred the message of the Governor transmitting to the Senate the final report of the State Board of Centennial Managers, with accompanying documents, having had the same under consideration, report it back with the accompanying resolution:

S. J. R. No. 48—*Resolved by the General Assembly of the State of Ohio*, That fifteen thousand copies of the Report of the Ohio Board of Centennial Managers be, with as little delay as possible, printed in book form and bound in muslin, and that seventy dollars be paid from the fund for State Printing to procure the additional engravings necessary to the proper completion of the work.

Resolved, That the volumes be equally distributed as follows:

Two hundred (200) copies to the State Board of Centennial Managers; six hundred (600) copies to the State officers; five hundred (500) copies to schools and colleges, and for exchange with other States; three hundred (300) reserved copies to be placed in the State Library; two thousand (2,000) copies placed in care of the State Librarian for distribution by a future General Assembly, and eleven thousand four hundred (11,400) copies for the use of the members and officers of the Sixty-second General Assembly; and that the Secretary of State be bereby directed to forward, as soon as printed and bound, the same to the address of the said members and officers respectively, and that he is hereby further directed to pay the charges for shipping the same out of the amount appropriated for the distribution of the laws, journals and public documents.

J. K. Rukenbrod, C. J. Swan,
Samuel Knox, Wm. W. Beatty,
H. V. Kerr, N. R. Burress.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Ransom, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—29.

So the resolution was adopted.

Mr. Burrows moved that the vote whereby House Bill No. 510 was passed be reconsidered.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 9, nays 23, as follows:

Those who voted in the affirmative were—

Messrs. Brown of Ross, Burrows, Johnston, Knox, Philson, Rukenbrod, Spangler, Stanton and Warnock—9.

Those who voted in the negative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Curtiss, Ellis, Haines of Carroll, Hudson, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Ransom, Schenck, Sheridan, Stickney, Stokes, Swan and Williams—23.

So the motion was disagreed to.

Mr. Stokes, on leave, offered the following joint resolution:

S. J. R. No. 49—WHEREAS, Miles Sausser, a native and resident of Warren county, in this State, moved to the city of New York in 1873, and returned to Warren county with the intention of regaining his residence in the State, about ten months ago, and—

WHEREAS, The said Sausser is now insane and cannot be admitted into any of our Hospitals for the Insane till he is in the State one year and regained his citizenship. Therefore—

Resolved, That the officers of the Hospital for the Insane at Dayton be, and they are hereby authorized and directed to receive said Sausser into said institution when properly committed by the Probate Judge of Warren county.

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Philson, Ransom, Rukenbred, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock, and Williams—30.

So the resolution was adopted.

By request of Mr. Stickney, leave of absence was granted Mr. Monahan until Tuesday next.

By request of Mr. Curtiss, leave of absence was granted himself until Tuesday next.

On motion of Mr. Stokes, the vote whereby S. J. R., No. 49, was adopted was reconsidered.

Mr. Bates moved to amend said resolution as follows,

Strike out all of 24th, 25th and 26th lines.

Which was agreed to.

The question recurring on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—28.

So the resolution was adopted.

Mr. Schenck submitted the following report:

The standing committee on Benevolent Institutions to whom was referred H. J. R. No. 90, instructing the Superintendent of the Hospital for the Insane at Dayton, Ohio, to receive for treatment and restraint an insane citizen of Wales, now confined in the county infirmary of Van Wert, having had the same under consideration, report it back, and recommend its adoption.

J. C. Schenck,
J. K. Rukenbrod,
E. P. Ransom,
H. V. Kerr.
J. R. Philson,
E. T. Stickney,
E. C. Lewis,

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kessler, Kleinschmidt, Knox, Lewis, Philson, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—26.

So the resolution was adopted.

Mr. Bates presented the remonstrance of W. W. Dennison, J. N. Brown and 117 other citizens of first subdivision Fifth Judicial District, against the passage of a law creating an extra Judge of said District.

Which was laid on the table.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed S. Bs. No. 296, 189, 316 and 266, and H. B. No. 307, as amended.

Wm. W. Beatty,
H. V. Kerr,
J. C. Schenck.

On motion of Mr. Stickney, the Senate took a recess.

THREE O'CLOCK, P. M.

Mr. Curtiss, on leave, offered the following resolution:

S. R. No. 89—*Resolved*, That the standing committee on Printing be instructed to immediately inquire into the cause of the delay in the printing of State documents, and to take summary steps if in their judgment it shall seem advisable to dispatch the work, to the end that reports from the various public institutions of the State may be placed in possession of the members of this General Assembly.

The resolution was adopted.

The special order for this hour, the contested election case of Cox vs. Harmon, was taken up for further consideration.

Mr. Bates moved that the further consideration of the contest case of Cox vs. Harmon be adjourned until Monday, February 26th, at 3 P. M.

Mr. Swan moved to amend said motion so as to read as follows:

That the further hearing of this case be postponed until Wednesday, March 7th, at 3 o'clock P. M.

The question being on agreeing to said amendment, the yeas and nays were taken and resulted—yeas 10, nays 21, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Ellis, Haines of Carroll, Hudson, Kerr, Lewis, Miller, Sheridan and Swan—10.

Those who voted in the negative were—

Messrs. Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Johnston, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Warnock and Williams–21.

So the amendment was disagreed to.

The question being, on agreeing to said motion of Mr. Bates the yeas and nays were taken and resulted—yeas 28, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Philson, Ransom, Rukenbrod, Sheridan, Stanton, Stickney, Stokes, Swan and Williams—28.

Mr. Warnock voted in the negative—1.

So the motion was agreed to, and the further consideration of the case was so adjourned.

Bills were read the second time and referred as follows:

H. B. No. 304—To protect policy holders in life insurance companies.

To the committee on Insurance.

H. B. No. 447—Regulating the forfeiture of life insurance policies.

Referred to the committee on Insurance.

H. B. No. 650—For the relief of Henry Ahrendts, treasurer of Jefferson township, Noble county.

To the committee on Finance.

H. B. No. 687—Authorizing the trustees of Orange township, Ashland county, Ohio, to transfer certain funds therein named to the general fund of said township.

To the committee on Finance.

H. B. No. 644—To authorize the Board of Education of Perry township, Lawrence county, to levy a tax to pay the indebtedness of said township, incurred in the erection of school houses.

To the committee on Common Schools.

H. B. No. 681—To authorize the Council of the incorporated village of Bellefontaine to transfer the sum of three hundred dollars from the street fund of said village to the police fund.

To the committee on Finance.

H. B. No. 529—To amend section one of an act amendatory of an act entitled "An act to provide for the safety of persons attending public assemblies," passed April 13, 1865, amended May 12, 1868, (Swan & Sayler, page 635).

To the committee on State Buildings

H. B. No. 647—To authorize the election of one additional Judge of the Court of Common Pleas in the third subdivision of the sixth judicial district of the State of Ohio.

To the committee on Judiciary.

H. B. No. 597—To amend section 436 of the code of civil procedure, as passed March 11, 1853, took effect June 1, 1853, (51st volume statutes,

57), as amended and took effect April 6, 1859, (56, page 242; Swan & Critchfield, page 1074).

To the committee on Judiciary.

H. B. No. 575—To amend section 552 of an act entitled "An act to establish a code of civil procedure," passed March 11, 1853, (Swan & Critchfield, page 1117).

To the committee on Judiciary.

H. B. No. 567—To amend section two of an act entitled "An act to authorize the Commissioners of Scioto county to borrow money on the bonds of the county to discharge the existing liabilities of said county, now in the shape of turnpike floating orders.

To the committee on Roads and Highways.

H. B. No. 659—Authorizing the Council of the incorporated village of Nelsonville, Athens county, to transfer certain funds.

To the committee on Finance.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled the following bills and joint resolution:

H. B. No. 606—To authorize the Town Council of the incorporated village of Mt. Gilead to levy additional taxes to complete a town hall.

H. B. No. 511—To authorize the County Commissioners of Lake county to remunerate Wm. P. Rice for loss sustained by breaking through a bridge.

H. J. R. No. 91—Providing for a joint committee to extend courtesies to a visiting committee from the Legislature of Indiana.

H. B. No. 540—To amend section twenty-four of an act entitled "An act for the relief of the poor, and to repeal certain acts therein named," passed April 12, 1876, (O. L., Vol. 73, p. 233).

H. B. No. 500—To authorize the filling of vacancies in the Boards of Trustees of townships.

H. B. No. 587—Relative to the payment of certain bonds of the city of Xenia.

H. B. No. 532—To amend an act for the relief of Charles W. Morehead and J. M. Braddock, bondsmen of John A. Spencer, late Treasurer of the incorporated village of Somerset, Perry county, Ohio, passed March 9, 1876, (O. L., Vol. 73, p. 260).

H. B. No. 589—To enable the Trustees of Litchfield township, Medina county, Ohio, to carry out the provisions of an act entitled "An act to provide for a park at the centre of Litchfield, in Medina county, Ohio," passed and took effect March 30, 1875.

H. B. No. 520—To authorize the Trustees of Bethel township, Morrow county, Ohio, to levy a tax to pay a bounty to a volunteer.

H. B. No. 359—To amend an act entitled "An act to provide for the disposition of unclaimed freight and express packages," and to amend an act entitled "An act providing for the distribution of unclaimed freight and express packages," passed April 16, 1867, passed January 26, 1875, (O. L., Vol. 72, page 17).

J. W. Washburn, Asa Toberen,
E. L. Lybarger, Thos. S. Luccock,
H. V. Kerr, C. J. Swan,
T. P. Brown.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and joint resolution:

H. B. No. 587—Mr. Barrett—Relative to the payment of certain bonds of the city of Xenia.

H. B. No. 540—Mr. Cowgill—To amend section twenty-four of an act entitled "An act for the relief of the poor," and to repeal certain acts therein named, passed April 12, 1876, (O. L., Vol. 73, p. 233).

H. B. No. 500—Mr. Inman—To authorize the filling of vacancies in the Boards of Trustees of townships.

H. B. No. 532—Mr. Baker of Perry—To amend an act for the relief of Charles W. Morehead and J. M. Braddock, bondsmen of John A. Spencer, late treasurer of the incorporated village of Somerset, Perry county, Ohio, passed March 9, 1876, (O. L., 73, p. 260).

H. J. R. No. 91—Mr. Converse—Providing for the appointment of a joint committee to extend courtesies to a visiting committee from the Legislature of the State of Indiana.

Attest: WM. LEONARD, *Clerk.*

The President of the Senate, in presence of the Senate, signed said bills and joint resolution.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 359—Mr. Wiltsee—To amend an act entitled "An act to provide for the disposition of unclaimed freight and express packages, and to amend an act entitled an act providing for the disposition of unclaimed freight and express packages," passed April 16, 1867, passed January 26, 1875, (O. L., Vol. 72, p. 17).

H. B. No. 511—Mr. Tryon—To authorize the County Commissioners of Lake county to remunerate William P. Rice for loss sustained by breaking through a bridge.

H. B. No. 606—Mr. Duncan—To authorize the Town Council of the incorporated village of Mr. Gilead to levy additional taxes to complete a town hall.

H. B. No. 520—Mr. Watson—To authorize the Trustees of Bethel township, Monroe county, Ohio, to levy a tax to pay a bounty to a volunteer.

H. B. No. 589—Mr. Perkins—To enable the Trustees of Litchfield township, Medina county, Ohio, to carry out the provisions of an act entitled "An act to provide for a park at the centre of Litchfield, in Medina county, Ohio," passed and took effect March 30. 1875.

Attest: WM. LEONARD, *Clerk.*

The President, in the presence of the Senate, signed said bills.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 263—Mr. Miller—To amend the second section of an act entitled "An act to authorize the Commissioners of the several counties in this State through which the National Road passes to take under their care and control so much of said road as lies within the limits of such counties respectively," passed April 6, 1876, (pages 105 and 106 of Ohio Laws, volume 73).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in Senate amendments to—

H. J. R. No. 66—Mr. Millikan—Providing for the printing of additional copies of the Secretary of State's report for distribution among the members, and asks for a committee of conference.

The Speaker has appointed Messrs. Converse, Faxon and Quinby on the part of the House.

Attest: WM. LEONARD, *Clerk.*

The request of the House was acceded to.

The President appointed Messrs. Rukenbrod, Knox and Williams as members of such committee on part of the Senate.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 646—Mr. Groom—To amend the act entitled an act to authorize the County Commissioners to purchase portions of turnpikes, passed April 11, 1876. (O. L. vol. 73, p. 220.)

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 46—Mr. Kleinschmidt—Asking Congress for an appropriation for the erection of a Lighthouse and fog signal on Stannard's Rock, Lake Superior.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bill has been introduced in the House of Representatives and read the first time:

H. B. No. 711—Mr. Rambo—To change the sub-division of the eighth judicial district, and to provide for the election of one additional Judge of the Court of Common Pleas therein.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 264—Mr. Beatty—Supplementary to an act passed April 11, 1876, (O. L., vol. 73, p. 169), to amend section seven of an act to authorize the County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act named therein, as passed March 29, 1867, with the following amendments, in which the concurrence of the Senate is requested:

Insert after the word "that" in line one, section one, the following:

"In counties having at the last Federal census 23,028 inhabitants and no more."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kessler, Kleinschmidt, Knox, Lewis, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Stickney, Stokes, Swan, Warnock and Williams—27.

So the amendments were concurred in.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 49—Mr. Stokes—Directing the officers of Dayton Hospital for the Insane to receive Mills Sausser in said institution.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 651—Mr. Garwood—To authorize the town council of the incorporated village of Marysville, Union county, to transfer certain funds from the cemetery fund to the street fund.

H. B. No. 657—Mr. Zumstein—Amendatory of an act entitled an act to authorize the Commissioners of Hamilton and Clermont counties to build a bride over the Little Miami river. (O. L., vol. 73, p. 286.)

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

S. B. No. 286—To amend section two of an act to better provide for

the organization, regulation and management of hospitals for the insane, passed March 27, 1876. (Ohio Laws, volume 73, page 81.)

Was read the third time.

Mr. Knox moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section two, line two, strike out the words "its passage" and insert the words "the first of May next."

Which was agreed to.

Mr. Knox was appointed such select committee.

Mr. Knox, on leave, submitted the following report:

The Select Committee of one, to whom was referred S. B. No. 266, with instructions to amend, reports the same back amended as instructed.

SAMUEL KNOX.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kerr, Kessler Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Stickney, Stokes, Swan, Warnock and Williams—25.

So the bill passed. The title was agreed to.

H. B. No. 489—Mr. Carson—To amend an act entitled an act to establish a uniform standard of weights and measures, passed March 21, 1873, (Swan & Sayler, page 926,) passed February 21, 1873, (Ohio Laws, vol. 70, p. 39,) and as amended March 10, 1876. (O. L., vol. 73, p. 22.)

Was read the third time.

The question being, "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 25, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kessler, Kleinschmidt, Knox, Lewis, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes and Williams—25.

Mr. Warnock voted in the negative—1.

The bill passed. The title was agreed to.

S. B. No. 189—To authorize and empower the town council of the incorporated village of Middletown, Butler county, Ohio, to make certain transfers of the corporation funds of said village.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Burns, Burress, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—28.

So the bill passed. The title was agreed to.

Mr. Andrews, on leave, submitted a report from a select committee of one, appointed to consider remonstrance against the passage of S. B. No. 132.

Mr. Andrews moved that the report be laid on the table, and ordered to be printed.

On which motion, Mr. Stanton demanded a division of the question.

The question being on agreeing to the first division.

Said division was agreed to and the report was laid on the table.

The question being "Shall the report be printed?" the yeas and nays demanded, taken, and resulted—yeas 9, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Burress, Ellis, Hudson, Lewis, Sheridan, Stickney, Stokes and Williams—9.

Those who voted in the negative were—

Messrs. Bates, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kessler, Kleinschmidt, Knox, Ransom, Spangler, Stanton, Swan and Warnock—14.

So the second division was disagreed to.

Mr. Swan submitted the following report:

The joint committee on Enrollment, have examined, and found correctly enrolled, the following joint resolution:

S. J. R. No. 49—Directing the officers of the Dayton Hospital for the Insane to receive Mills Sausser in said institution.

C. J. Swan, H. V. Kerr,
Thos. S. Luccock, J. W. Washburn,
E. C. Lewis.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following joint resolution:

S. J. R. No. 49—Mr. Stokes—Directing the officers of the Dayton Hospital for the Insane, to receive Mills Sausser in said institution.

Attest: Wm. Leonard, *Clerk.*

The President, in presence of the Senate, signed said joint resolution.

H. B. No. 307—To authorize the creation of a special school district in Brush creek township, Scioto county.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kleinschmidt, Knox, Lewis, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock, and Williams—25.

The bill passed. The title was agreed to.

Mr. Burns moved that the order whereby S. B. No. 316—To repeal section six hundred and sixty-five of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869, and took effect July 1, 1869, (O. L., vol. 66, p. 262); also to repeal section six hundred and sixty-six of the same act, as amended April 18, 1870, (Ohio Laws, volume 67, page 86,) was set for the third reading to-day, be discharged, and the bill be ordered to be read the third time Tuesday.

Which was agreed to.

Mr. Swan submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No.

288—To amend section seven of an act entitled an act establishing Boards of County Commissioners and prescribing their duties, passed March 12, 1853, as amended March 30, 1868, (S. &. S. p. 80,) having had the same under consideration, report it back with the following amendments, and recommend its passage when so amended:

Add at the close of section seven, the following words:

"And provided further, that the provisions of this section shall not apply to any county in which there is a board of control, having a solicitor, to said board, whose duty it shall be to take charge of, and attend to, all actions which may be brought against the commissioners under the provisions of this or any other act."

J. H. Bates, C. J. Swan,
A. M. Burns, Geo. W. Andrews,
James W. Owens.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time Wednesday.

Mr. Swan submitted the following report:

The standing committee on Judiciary to whom was referred H. B. No. 497—To amend section twenty-eight of an act to more effectually provide for locating, establishing and constructing ditches, drains and water courses in townships, and to repeal certain acts therein named, having had the same under consideration, report it back, and recommend its passage.

J. H. Bates, A. M. Burns,
Geo. W. Andrews, C. J. Swan,
James W. Owens, N. R. Burress.

The bill was ordered to be read the third time Wednesday.

Mr. Swan submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 260, to amend section 12 of an act entitled an act for the punishment of certain offences therein named, passed March 8, 1831, and took effect June 1, 1831, (S. & C. 429,) as amended February 21, 1873, (O. L., p. 39)—having had the same under consideration, report it back, and recommend its passage.

J. H. Bates, Geo. W. Andrews,
C. J. Swan, A. M. Burns,
N. P. Burress, James W. Owens.

The bill was ordered to be read the third time Wednesday.

Mr. Schenck submitted the following report:

The standing committee on Municipal Corporations, to whom was referred S. B. No. 322—To authorize the Trustees of the Township of Rockport, in the County of Cuyahoga, to issue bonds to the amount of six thousand dollars, for the purpose of buying land and to erect and repair suitable buildings thereon for Infirmary purposes, having had the same under consideration, report it back, and recommend its passage.

J. C. Schenck, T. P. Brown
H. Kessler, Wm. Miller,
A. M. Burns.

The bill was ordered to be read the third time Tuesday.

Mr. Schenck submitted the following report:

The standing committee on Municipal Corporations, to whom was referred S. B. No. 326—To amend section seventeen of an act entitled "an act authorizing the election of a Board of Police Commissioners, and consolidating the same with the Board of Health in cities of the first class with a population of less than one hundred and fifty thousand and over ninety thousand inhabitants at the last Federal census, and to repeal certain acts, (O. L., vol. 73, page 47,) having had the same under consideration, report it back, and recommend its passage.

J. C. Schenck, T. P. Brown,
H. Kessler, Wm. Miller.

The bill was ordered to be engrossed and read the third time Tuesday.

Mr. Schenck submitted the following report:

The standing committee on Municipal Corporations to whom was referred H. B. No. 667—To authorize certain Incorporate Villages to issue bonds, having had the same under consideration, report it back, with the following amendments. and recommend its passage when so amended:

First—Strike out all after the word "of" in line 2 of section 1, to and including the word "counties" in line three of said section, and insert "the incorporated village of Loveland, Ohio."

2d—Add to section 1: "And said Council are hereby authorized to levy a tax upon all the taxable property of said village sufficient to pay said bonds and interest as the same may fall due."

J. C. Schenck, A. M. Burns,
T. P. Brown, H. Kessler,
Wm. Miller.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time Tuesday.

Mr. Johnston submitted the following report:

The standing committee on Privileges and Elections, to whom was referred S. B. No. 302—To amend section one of "an act to protect the elections of volunteer political associations, and punish frauds therein, as passed April 20, 1874, (O. L., vol. 71, p. 104,) having had the same under consideration, report it back, and recommend its passage.

J. H. Bates, J. R. Johnston,
H. Kessler, J. B. Williams.

The bill was ordered to be engrossed and read the third time Tuesday.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 289—Mr. Schenck—To authorize the Council of the incorporated village of West Cleveland, Ohio, to issue bonds to the amount of fourteen tnousand dollars, for the purpose of grading Detroit street, and building a culvert under the Lake Shore & Michigan Southern Railroad, at the intersection of Lake avenue—

With the following amendments, in which the concurrence of the Senate is requested:

In section 2, line 3, after the words "levy a tax upon all the," insert

as follows: "real estate of said village fronting on said Detroit street and Lakeview avenue and other streets in said village, according to benefits derived, or to be derived, by the improvements provided for in this act, as may by the Council be determined."

Strike out in the same line the words "taxable property of said village."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken, and resulted—yeas 19, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Burress, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kleinschmidt, Knox, Lewis, Philson, Schenck, Sheridan, Spangler, Stickney, Stokes, Warnock, Williams—19.

So the amendments were concurred in.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 47—Mr. Burrows—Directing the Adjutant General to procure a record of deceased soldiers of the State whose graves are not marked.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 627—Mr. Carson—To authorize the creation of a special school district in the township of Dinsmore, Shelby county, Ohio.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

On motion of Mr. Stanton, S. B. No. 243 was taken from the table and ordered to be read the third time Wednesday.

On motion of Mr. Knox the Senate adjourned until 9 o'clock A. M. tomorrow.

Attest: J. C. DONALDSON, *Clerk.*

SATURDAY, FEBRUARY, 24, 1877—9 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

Mr. Bates announced the presence in the Senate Chamber of a committee from the Legislature of the Senate of Indiana, comprising the following gentlemen:

Hon's. Benjamin Shirk, F. M. Dice, F. C. Johnson, J. W. Houghton, William H. Thompson, B. L. Harris, Edgar Henderson, J. C. Adams

and C. S. Hubbard, and moved that the Senate take a recess for one-half hour in honor of said committee.

Which was agreed to.

10:05 o'clock A. M.

The President submitted the following communication:

ROOMS OF COMMISSION

TO REVISE AND CONSOLIDATE THE STATUTES.

COLUMBUS, OHIO, FEBRUARY 24, 1877.

To the President of the Senate:

SIR:—I transmit herewith a special report of the Commissioners to Revise and Consolidate the Statutes, which you are respectfully requested to lay before the Senate.

M. A. DAUGHERTY.

Mr. Andrews moved that said report be referred to the committee on Judiciary.

Which was agreed to.

Bills were read the second time and referred as follows:

H. B. No. 646—To amend the act entitled "An act to authorize County Commissioners to purchase portions of turnpikes," passed April 11, 1876, (O. L., vol. 73, p. 220).

To the committee on Roads and Highways.

H. B. No. 657—Amendatory of an act entitled "An act to authorize the County Commissioners of Hamilton and Clermont counties to build a bridge over the Little Miami river," (O. L., vol. 73, p. 286).

To the committee on Roads and Highways.

H. B. No. 651—To authorize the town council of the Incorporated village of Marysville, Union county, to transfer certain funds from the cemetery fund to the street fund.

To the committee on Finance.

H. B. No. 627—To authorize the creation of a special school district in the township of Dinsmore, Shelby county, Ohio.

To the committee on Common Schools.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled, the following bills and joint resolutions:

S. B. No. 249—To amend an act entitled "an act to regulate the election of State and county officers," passed May 3, 1852, (S. & C., p. 532), amended April 12, 1870, (O. L., vol. 67 p. 47).

S. B. No. 239—Supplementary to an act entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852.

S. J. R. No. 45—Providing for the printing of the report of fish commissioners.

S. J. R. No. 44—Providing for the binding and distribution of State library catalogues.

C. J. SWAN, T. P. BROWN,
H. V. KERR, THOS. S. LUCCOCK,
E. C. LEWIS, E. L. LYBARGER.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the pesence of the House, signed the following bills and joint resolutions:

S. B. No. 239—Mr. Owens—Supplementary to an act entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852.

S. B. No. 249—Mr. Rukenbrod—To amend an act entitled "An act to regulate the election of State and county officers," passed May 3, 1852, (S. & C., p. 532), amended April 12, 1870, (O. L., vol. 67, p. 47).

S. J. R. No. 44—Mr. Philson—Providing for the binding and distribution of the State library catalogues.

S. J. R. No. 45—Mr. Brown of Lucas—Providing for the printing of the report of the fish commissioners.

Attest: WM. LEONARD, *Clerk.*

The President *pro tem.*, in presence of the Senate, signed said bills and joint resolutions.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 617—Mr. Sherrick—To amend section twenty of an act entitled an act for the relief of the poor, and to repeal certain acts therein named, passed April 12, 1876. (O. L., Vol. 73, p. 233.)

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 293—Mr. Oglevee—To amend section two of an act to amend and supplementary to an act entitled "An act to provide for the appointment of a commissioner of Railroads and Telegraphs, and to prescribe his duties," passed April 5, 1867, (64, O. L., 111,) passed May 13, 1868, (65 O. L., 183.)

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 498—Mr. Raudabaugh—To amend section two of an act to authorize and require the Board of Public Works to ascertain and locate all lands belonging to the State, which lies at or near the Public Works of the State, with a proper description of the same; and also providing for the appraisement and sale of the same, passed April 29, 1872.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 514—Mr. Rambo—To authorize the votes of stock holders of certain incorporated companies to be cast by proxy, (see vol. 72, O. L., p. 39).

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

The following bill was introduced, on leave, and read the first time:

S. B. No. 338—Mr. Stickney—To amend an act entitled "An act to authorize the Commissioners of Seneca county to build a jail and issue bonds therefor.

On motion of Mr. Miller, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

MONDAY, FEBRUARY 26, 1877—10 o'clock, A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. Jos. M. Trimble.

The Journal was read and approved.

H. B. No. 514—To authorize the votes of stockholders of certain incorporated companies to be cast by proxy, (see vol. 72, O. L., 39)—was read the second time and referred to the committee on Corporations other than Municipal.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 543—Mr. Faxon—To authorize the creation of a Special School District in Pittsfield township, Lorain county, Ohio.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

Mr. Stanton submitted the following report:

The standing committee on Finance, to whom was referred S. B. No. 294—To amend an act entitled "An act to amend an act fixing the rate of interest," passed January 12, 1824, passed February 18, 1848, (S. & C., 744)—having had the same under consideration, report it back and recommend its passage.

SAMUEL KNOX, R. STANTON,
A. R. HAINES, JNO. H. HUDSON,
J. H. BATES, H. W. CURTISS.

The bill was ordered to be engrossed and read the third time

Mr. Knox submitted the following report:

The standing committee on Finance, to whom was referred S. B. No. 312

—To secure the collection of delinquent taxes—having had the same under consideration, report it back and recommend its passage.

SAMUEL KNOX, H. W. CURTISS,
R. STANTON, J. H. BATES,
A. R. HAINES, JNO. H. HUDSON.

The bill was ordered to be engrossed at the Clerk's desk and read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Ransom, Rukenbrod, Sheridan, Stanton, Swan and Williams—23.

The bill passed. The title was agreed to.

Mr. Curtiss submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 599—"To refund the interest paid by James Eakin, ex-Commissioner of Noble county, Ohio, on money borrowed for use of said county,"—having had the same under consideration, report it back and recommend its passage.

SAMUEL KNOX, H. W. CURTISS,
R. STANTON, J. H. BATES,
A. R. HAINES.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Ransom, Rukenbrod, Sheridan, Stanton, Swan and Williams—22.

The bill passed. The title was agreed to.

Mr. Haines of Carroll, submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 658—To authorize the Trustees of Perry township, Lake county, to transfer the sum of seven hundred dollars, surplus building fund, to the road and township fund—having had the same under consideration, report it back and recommend its passage.

A. R. HAINES, SAMUEL KNOX,
JNO. H. HUDSON, H. W. CURTISS,
J. H. BATES, R. STANTON.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller,

Owens, Philson, Ransom, Rukenbrod, Sheridan, Stanton, Swan and Williams—22.

So the bill passed. The title was agreed to.

Mr. Owens submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 581—Authorizing the County Commissioners of Ross county to build a county jail, and to issue bonds therefor—having had the same under consideration, report it back and recommend its passage.

JAMES W. OWENS, J. H. BATES,
GEO. W. ANDREWS, W. R. WARNOCK.

The bill was ordered to be read the third time Thursday.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 307—Mr. Sellards—To authorize the creation of a Special School District in Brush Creek township, Scioto county.

Attest: WM. LEONARD, *Clerk.*

Mr. Owens submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 449—To authorize the Auditor of Licking county, Ohio, to remit certain taxes on lot No. 166, in the village of Hebron, in said county—having had the same under consideration, report it back with following amendment, and recommend its passage when so amended:

In line two, section one, strike out the word "required," and instead thereof insert the word "authorized."

A. M. BURNS, JAMES W. OWENS,
J. C. SCHENCK, T. P. BROWN.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time Wednesday.

On motion of Mr. Curtiss, the Senate took a recess.

THREE O'CLOCK P. M.

This being the hour and day fixed for the further consideration of the contested election case of Cox *vs.* Harmon, the Senate proceeded to the consideration of said matter.

Mr. Butterworth, counsel for contestee, addressed the Senate on the motion of the contestee to strike out certain testimony, by reason of the taking of depositions previous to the filing of the notice of contest with the Senate.

The President decided the point was not well taken, and overruled the motion to strike out.

Mr. Butterworth made exceptions to said ruling.

Mr. Curtiss offered the following resolution:

S. R. No. 88—*Resolved*, That the testimony be read by counsel, to the end that Senators may be fully advised of its character and competency.

Mr. Johnston moved to amend said resolution as follows:

Strike out the words "and competency."

Which was agreed to.

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 32, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—32.

So the resolution was adopted.

The President presented the following papers in the case, received by him, which were filed and ordered to be printed:

No. 1—For contestant, depositions of Robert White, Thomas White, and other persons, taken before E. H. Rydal, Notary Public, within and for Hamilton county; also,

No. 2—Of George D. Schatzman, taken before said E. H. Rydal, N. P., within and for Hamilton county.

No. 3—For contestee, summons to, and depositions of, S. J. Blakely, Miles Lacey, William Cline, and others, citizens of the State of Kentucky, given by, and taken before, William D. Brent, Notary Public, within and for the county of Kenton, State of Kentucky.

Pursuant to Senate resolution No. 88, counsel for contestant proceeded to read the depositions offered by them—counsel for contestee reading cross-examinations.

Mr. Johnston moved that the further consideration of said case be adjourned until 7½ o'clock P. M.

On which motion the yeas and nays were taken and resulted—yeas 19, nays 13, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Owens, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—19.

Those who voted in the negative were—

Messrs. Andrews, Ault, Burress, Ellis, Haines of Carroll, Hudson, Kerr, Lewis, Monahan, Sheridan, Stickney, Stokes and Williams—13.

So the case was so adjourned.

On motion of Mr. Knox the Senate took a recess until 7½ o'clock P. M.

7½ O'CLOCK P. M.

The contested election case of Cox *vs.* Harmon, the special order for this hour, was taken up for further consideration.

On demand of Mr. Burrows, a call of the Senate was had.

Twenty-three Senators answered to their names.

Messrs. Ault, Brown of Lucas, Ellis, Haines of Preble, Kent, Kerr, Lewis, Miller, Owens, Philson, Reese, Schenck, Sheridan and Williams were absent.

On motion of Mr. Stanton, all further proceedings under the hall were dispensed with.

Counsel, as directed in S. R. No. 88, proceeded with the reading of testimony.

After some time spent in said reading—

Mr. Burns moved that the further consideration of the case be adjourned until 10½ o'clock A. M. to-morrow.

Mr. Andrews moved that the case be adjourned until 3 o'clock P. M. to-morrow.

On which motion the yeas and nays were taken, and resulted—yeas 10, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Burrows, Ellis, Haines of Carroll, Hudson, Sheridan, Stickney, Stokes and Williams—10.

Those who voted in the negative were—

Messrs Bates, Beatty, Brown of Ross, Burns, Curtiss, Johnston, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Spangler, Stanton and Swan—15.

So the motion was disagreed to.

The question being on the motion of Mr. Burns, the yeas and nays were taken and resulted—yeas 16, nays 10, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Spangler, Stanton and Swan—16.

Those who voted in the negative were—

Messrs. Andrews, Ault, Ellis, Haines of Carroll, Hudson, Monahan Sheridan, Stickney, Stokes and Williams—10.

So the motion was agreed to, and the case was so adjourned.

On motion of Mr. Kessler, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

Tuesday, February 27, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. T. R. Taylor.

The Journal was read and approved.

Mr. Curtiss presented the petition of Joseph Perkins and 91 other citizens of Cuyahoga county, asking for a change of the jury laws of the State, which was read at the clerk's desk and referred to the committee on Judiciary.

Mr. Warnock presented the petition of John S. Bruner and 1,943 other citizens of Champaign, Clark and Madison counties, asking for a law authorizing any county, township or ward by popular vote to close as nuisances all saloons and places of public resort for tippling or intemperance.

Which was referred to the committee on Temperance.

Mr. Burress presented the petition of the Mayor and Council of Sidney, Ohio, asking that the act of April 20, 1874, providing for the repair of free turnpikes, so that the Council of certain villages and cities may have the same control of their proportionate share of taxes as the Commissioners of the County.

Which was referred to the committee on Municipal Corporations.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correct-

ly engrossed S. B's. No's. 302, 326, 322 and H. B. No. 667, with Senate amendment.

WM. W. BEATTY,
H. V. KERR,
J. C. SCHENCK.

On motion of Mr. Burns, H. B. No. 667, to authorize certain incorporated villages to issue bonds, was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—31.

So the bill passed.

The title was agreed to, after being amended so as to read as follows: "To authorize the village of Loveland, Ohio, to issue bonds for certain purposes."

Mr. Lewis submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled, the following bills:

H. B. No. 544—For the relief of John Mizer and his sureties.

H. B. No. 510—To aid the Board of Public Works to build a bridge on the Western Reserve and Maumee road over the Sandusky river.

H. B. No. 630—To authorize the County Commissioners of Holmes county to build a jail and Sheriff's residence.

H. B. No. 293—To amend section two of an act to amend and supplementary to an act entitled an act to provide for the appoinment of a commissioner of railroads and telegraphs, and to prescribe his duties, passed April 5, 1867 (64 O. L. 111), passed May 13, 1868 (65 O. L. 183).

E. L. LYBARGER, H. V. KERR,
THOS. S. LUCCOCK, ASA TOBEREN,
J. W. WASHBURN, E. C. LEWIS.

The special order for this hour, the contested election case of Cox vs. Harmon, was taken up for further consideration.

After some time spent in reading of testimony by counsel, Mr. Bates moved that the further consideration of the case be adjourned until 3 o'clock P. M.

On which motion the yeas and nays were taken, and resulted—yeas 27, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Burns, Burress, Curtiss, Ellis, Hudson, Johnston, Kessler, Kleinschmidt, Knox, Lewis, Miller, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—27.

Those who voted in the negative were—

Messrs. Brown of Ross and Burrows—2.

So the motion was agreed to and the case so adjourned.

Mr. Burns submitted the following report:

The committee on Military affairs, to whom was referred H. J. R. No. 67 in regard to the dating of pensions allowed by the United States gov-

ernment, having had the same under consideration report it back and recommend its adoption.

A. M. Burns, E. C. Lewis,
J. H. Bates, Elias Ellis,
J. R. Philson, Geo. W. Andrews,
A. L. Brown.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Hudson, Johnston, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes and Warnock—27.

So the resolution was adopted.

On motion of Mr. Burns the Senate took a recess.

THREE O'CLOCK P. M.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 712—Mr. Goebel—To provide for the taxation of joint stock companies.

H. B. No. 713—Mr. Millikan—To amend section 3 of an act entitled "An act to provide for the semi-annual collection of taxes," passed April 2, 1859 (S. & C. 1,476).

H. B. No. 714—Mr. Oglevee—Supplementary to an act to more effectually provide for locating, establishing and constructing ditches, drains and water-courses in townships, and to repeal certain acts therein named, passed April 18, 1874 (O. L. vol. 71).

H. B. No. 715—Mr. Luccock—To authorize the creation of a special school district in Jefferson township, Guernsey county, Ohio.

H. B. No. 716—Mr. Thresher—To amend an act entitled "An act supplementary to an act entitled "An act regulating the mode of administering assignments, in trust for the benefit of creditors, passed April 6, 1859, passed March 31, 1876, (O. L. vol. 73. p. 101).

H. B. No. 717—Mr. Neal—To amend section 1 of an act entitled "An act to amed sections 1, 2, 4, 5 and 6 of an act to authorize the County Commissioners to construct roads on petition of a majority of the resident land owners along and adjacent to the line of said road, and to repeal an act therein named, passed March 29, 1867, as amended, March 31, 1868 (65 vol. O. L.41, S. & C. 673).

H. B. No. 718—Mr. Hart—To repeal an act passed April 6, 1876, to authorize the Trustees of Alum-creek monthly meeting of Friends to sell and convey certain lands and reinvest the proceeds.

H. B. No. 719—Mr. Wales—To allow County Treasurers fees on receipts and orders.

H. B. No. 720—Mr. Eylar—To amend section 145 of the code of criminal procedure, passed May 6, 1869.

H. B. No 721—Mr. Davies—To amend an act entitled an act to amend an act entitled an act prescribing the rate of taxation for county, bridge,

road and township purposes, passed May 1, 1871; passed April 26, 1873; passed March 29, 1875.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 722—Mr. McLain—To authorize the transfer of certain funds therein named, now in the treasury of Warren, Trumbull county, Ohio.

H. B. No. 723—Mr. Nixon—To amend section 7 of an act entitled an act to amend, and supplementary to an act entitled an act to provide for the organization, supervision and maintenance of Common Schools, passed and took effect March 14, 1864. (S. & S. page 607.)

H. B. No.. 724—Mr. Thresher—To amend the second section of the act entitled an act requiring compensation for causing death by wrongful act, neglect or default, passed March 25, 1857. (S. &. C. page 1139.)

H. B. No. 725—Mr. Hostetter—To provide for the straightening, clearing out and widening, deepening and otherwise improving Stillwater ditch and creek; also its tributaries in Darke county, Ohio.

H. B. No. 726—Mr. Hostetter—To authorize the County Commissioners of Darke county, to levy a tax to pay off an existing indebtedness of Darke county Agricultural Society.

H. B. No. 727—Mr. Blake—To authorize the transfer of certain funds of the village of Garrettsville, Portage county.

H. B. No. 728—Mr. Duncan—Supplementary and amendatory of the act entitled an act to amend sections 2, 4 and 24 of an act entitled an act to preserve the purity of elections.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 688—Mr. Nigh—To authorize the Commissioners of Lawrence county to fund the Infirmary debt, and to levy a tax to liquidate the same.

Attest: WM. LEONARD, *Clerk.*

The bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in Senate amendments to—

H. B. No. 46—Mr. Entrekin—To amend section one of an act passed March 27, 1875, (O. L. vol. 72, page 85,) entitled an act to fix the rate of toll on turnpikes and plank roads, passed March 16, 1875, (Swan & Sayler, page 147), and ask for a committee of conference.

Attest: WM. LEONARD, *Clerk.*

The request of the House was acceded to.

The President reserved the appointment of the members of said committee on the part of the Senate until to-morrow.

The special order for this hour, the contested election case of Cox vs. Harmon, was taken up for further consideration.

Mr. Butterworth, on behalf of contestee, presented the following depositions:

Of J. C. Bellew, Robert Carson and Micheal Corbett, taken before N. Rockhold, Jr., a Notary Public in and for the county of Hamilton, State of Ohio.

Of Robert Minns, taken before John K. McCann, a Notary Public in and for the county of Hamilton, State of Ohio.

Of Adolphus Fay, John Kelly, Michael O'Shaughnessy, Dennis Shean, Bartley O'Connor, John Haggerty and sundry persons, taken before John K. McCann, a Notary Public in and for the county of Hamilton, State of Ohio.

After some time spent in reading of depositions by counsel—

The President announced that the fnrther consideration of the case would be adjourned until 10:30 o'clock, A. M., to-morrow.

Mr. Lewis submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled the following bill and joint resolution:

H. J. R. No. 90—Instructing the Superintendent of the Hospital for the Insane at Dayton, Ohio, to receive for treatment and restraint an insane citizen of Wales, now confined in the County Infirmary of Van Wert.

H. B. No. 489—To amend an act entitled an act to establish a uniform standard of weights and measures, passed March 21, 1863, (S. & S., page 296); passed February 21, 1873, (O. L. vol. 70, page 39,) and as amended March 10, 1876, (O. L. vol. 73, p. 22.)

J. W. Washburn, E. L. Lybarger,
Thos. S. Luccock, H. V. Kerr,
Asa Toberen, E. C. Lewis.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and joint resolution:

H. B. No. 544—Mr. Johnson—For the relief of John Mizer and his sureties.

H. B. No. 489—Mr. Carson—To amend an act entitled an act to establish a uniform standard of weights and measures, passed March 21, 1863, (S. &. S., page 926,) passed February 21, 1873, (O. L., vol. 70, page 39), and as amended March 10, 1876, (O. L., vol. 73, page 22.)

H. B. No. 630—Mr. Hoagland—To authorize the County Commissioners of Holmes county to build a jail and Sheriff's residence.

H. B. No. 510—Mr. Inman—To aid the Board of Public Works to build a bridge on the Western reserve and Maumee road, over the Sandusky river.

H. B. No. 293—Mr. Oglevee—To amend section 2 of an act to amend and supplementary to an act entitled an act to provide for the appointment of a Commissioner of Railroads and Telegraphs, and to prescribe his

duties, passed April, 5, 1866, (67 vol. O. L., page 111,) passed May 13, 1868, (65 Ohio Laws, 183.)

H. J. R. No. 90—Mr. Monahan—Instructing the Superintendent of the Hospital for the Insane, at Dayton, Ohio, to receive for treatment and restraint an insane citizen of Wales, now confined in the County Infirmary of Van Wert.

Attest: WM. LEONARD, *Clerk.*

The President, in the presence of the Senate, signed said bills and joint resolution.

Bills were read the second time and referred as follows:

S. B. No. 331—To change the sub-division of the eighth judicial district, to create additional sub-divisions and for the election of additional judges therein.

To the committee on Judiciary.

S. B. No. 332—Supplementary to an act entitled "An act to amend sections 97, 643, 649, 650 and 656 of an act entitled an act to provide for the organization and government of municipal corporations," passed May 7, 1869, (vol. 66, p. 165), and section 663 of said act as amended April 18, 1870, (vol. 67, p. 85), passed April 8, 1876, (vol. 73, p. 125).

To the committee on Municipal Corporations.

S. B. No. 333—To amend section 78 of an act entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, and amended April 17, 1854, (S. & C., p. 271).

To the committee on Insurance.

S. B. No. 334—To authorize the Commissioners of Tuscarawas county, Ohio, to make compensation to Geo. W. Ellis, as watch at the county jail of said county.

To the committee on Finance.

S. B. No. 336—To authorize the Commissioners of Jackson county to lease part of the public square, in the incorporated village of Jackson, for certain purposes.

To the committee on Judiciary.

S. B. No. 337—To amend section 51 of an act entitled "An act to provide for the settlement of the estates of deceased persons," passed March 23, 1840, and took effect November 1, 1840, (S. & C., 575.)

To the committee on Judiciary.

S. B. No. 338—To amend an act entitled "An act to authorize the Commissioners of Seneca county to build a jail, and issue bonds therefor."

To the committee on Municipal Corporations.

H. B. No. 543—To authorize the creation of a special school district in Pittsfield township, Lorain county, Ohio.

To committee on Common Schools and School Lands.

On motion of Mr. Burns, the order whereby the memorial of Jno. G. Stephenson, Mayor of the city of Sidney, Ohio, and others for an amendment to the act of April 20, 1874, providing for the repair of free turnpikes, etc., was referred to the committee on Municipal Corporations, was reconsidered.

The memorial was referred to the committee on Roads and Highways.

S. B. No. 296—Supplementary and amendatory of the act entitled "An act to amend sections two, four and twenty-four of an

act entitled 'An act to preserve the purity of elections,'" passed March 20, 1841, (Swan & Critchfield, 543, 544, 547), as amended by the acts of April 15, 1857, (volume 54, Ohio Laws, 136), May 30, 1864, (volume 61, Ohio Laws, 83), and April 15, 1867, (volume 64, Ohio Laws, 151), and to repeal the acts amendatory thereof and supplementary thereto, passed February 15, 1861, (volume 58, Ohio Laws, 17), May 30, 1864, (volume 61, Ohio Laws, 83), April 15, 1867, (volume 64, Ohio Laws, 151), and April 16, 1867, (volume 64, Ohio Laws, 228, 229), as amended April 17, 1868, (Swan & Sayler, 340.)

Was read the third time.

Mr. Bates moved that the further consideration of said bill be postponed until Thursday, March 8, at 3 o'clock p. m.

Which was agreed to.

Mr. Lewis presented the petition of W. S. Crowell, J. C. Camerean and G. H. Barger, committee of Coshocton bar, asking for the passage of H. B. No. 647—Mr. Lybarger—Authorizing the election of an additional judge of the Court of Common Pleas in the third sub-division of the eighth judicial district of the State of Ohio.

Which was referred to the standing committee on Judiciary.

H. B. No. 577—For the relief of Ellis Davis and the sureties on his official bond.

Was read the third time.

Mr. Burns moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section one, line 13, strike out the words "a majority," and in their place insert the words "three fourths."

On which motion the yeas and nays were demanded, taken, and resulted—yeas 18, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kessler, Kleinschmidt, Knox, Owens, Philson, Ransom, Rukenbrod, Spangler, Stanton and Warnock—18.

Those who voted in the negative were—

Messrs. Andrews, Ault, Burress, Ellis, Haines of Carroll, Hudson, Lewis, Miller, Reese, Sheridan, Stickney and Williams—12.

So the motion was agreed to.

Mr. Burns was appointed such select committee.

Mr. Burns, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 577, with instructions to amend, reports the same back amended as instructed.

A. M. Burns.

Mr. Ellis moved that the further consideration of said bill be postponed until March 20.

Which was agreed to.

Mr. Lewis submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills and joint resolutions:

S. B. No. 289—To authorize the council of the incorporated village of West Cleveland, Ohio, to issue bonds to the amount of fourteen thousand dollars for the purpose of grading Detroit street, and building a culvert under the Lake Shore & Michigan Southern Railroad at the intersection of Lake avenue.

S. J. R. No. 47—Directing the Adjutant-General to procure a record of deceased soldiers of the State whose graves ars not marked.

S. J. R. No. 46—Asking Congress for an appropriation for the erection of a light-house and fog-signal on Stannard's Rock, Lake Superior,

S. B. No. 263—To amend the second section of an act entitled "An act to authorize the Commissioners of the several counties in this State through which the National Road passes, to take under their care and control so much of said road as lies within the limits of such counties respectively," passed April 6, 1876, (pp. 105-106 of Ohio Laws, vol. 73).

S. B. No. 264—Supplementary to an act passed April 11, 1876, (Ohio Laws, volume 73, page 169), to amend section seven of an act to authorize the County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act named therein, as passed March 29, 1867.

E. C. Lewis, J. W. Washburn,
T. P. Brown, Asa. Toberen,
E. L. Lyrarger.

Mr. Andrews moved that the vote whereby H. B. No. 577 was postponed until March 20, be reconsidered.

Which was agreed to.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 20, nays 10, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kessler, Lewis, Monahan, Reese, Rukenbrod, Sheridan, Spangler, Stickney, Stokes and Williams —20.

Those who voted in the negative were—

Messrs. Bates, Burns, Johnston, Kleinschmidt, Knox, Owens, Philson, Ransom, Stanton and Warnock—10

So the bill passed. The title was agreed to.

On motion of Mr. Burns, the order whereby S. B. No. 316—To repeal section 665 of an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869, and took effect July 1, 1869, (O. L. vol. 66, p. 262); also, to repeal section 666 of the same act, as amended April 18, 1870, (O. L., vol. 67, p. 86)—was set for third reading to-day, was discharged.

The bill was ordered to be read the third time Thursday, March 8.

S. B. No. 322—To authorize the Trustees of the township of Rockport, in the county of Cuyahoga, to issue bonds to the amount of six thousand dollars, for the purpose of buying land and to erect and repair suitable buildings thereon for infirmary purposes.

Was read the third time.

Mr. Curtiss moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Add after section 1, the following, "and be it further provided that the authority for the issuing of said bonds shall be submitted at some regular election to the voters of said township, and if a majority of the votes cast at said election shall be in favor of issuing bonds for such purposes, then said Trustees shall be authorized to issue the same, and not otherwise."

Which was agreed to.

Mr. Curtiss was appointed such select committee.

Mr. Curtiss, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 322, with instructions to amend, reports the same back amended as instructed.

H. W. CURTISS.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Reese, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—29.

So the bill passed. The title was agreed to.

On motion of Mr. Ault, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

WEDNESDAY, FEBRUARY 28, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. T. R. Taylor.

The Journal was read and approved.

The following bill was introduced, on leave, and read the first time:

S. B. No. 339—Mr. Curtiss—To authorize the City Council of the city of Akron to levy a tax for cemetery purposes.

Messrs. Brown of Ross, Johnston and Williams were appointed as members on part of the Senate of the Committee of Conference on H. B. No. 46.

The following bills were introduced, on leave, and read the first time:

S. B. No. 340—Mr. Lewis—To create a sub-school district in Dover Township, Tuscarawas County, out of territory within the Dover Union School District in said county.

S. B. No. 341—Mr. Haines of Carroll—To amend section eighteen of an act relating to Roads and Highways, passed March 9, 1868, (O. L., vol. 65, p. 19.)

Mr. Warnock presented the petition of W. H. Wagstaff and four hundred and twenty other citizens of Champaign county, asking that in appointment of Boards of Health and appointments of Physicians to State institutions, all legalized schools of medicine shall be equally represented.

Which was referred to the Committee on Sanitary Laws and Regulations.

Mr. Schenck presented the petition of Manufacturers and Jobbers of Cleveland, Cuyahoga County in regard to Senate Bill No. 301, by Mr. Brown, of Lucas.

To the committee on Judiciary.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed, Senate Bills Nos. 294 and 288, and H. B. No. 494, with Senate amendments.

WM. M. BEATTY, JAMES W. OWENS,
H. V. KERR.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker, *pro tem.* of the House of Representatives has, in the presence of the House, signed the following bills and joint resolutions:

S. B. No. 289—Mr. Schenck—To authorize the Council of the incorporated village of West Cleveland, Ohio, to issue bonds to the amount of fourteen thousand dollars, for the purpose of grading Detroit street, and building a culvert under the Lake Shore & Michigan Southern Railroad, at the intersection of Lake avenue.

S. B. No. 264—Mr. Beatty—Supplementary to an act passed April 11, 1876, (Ohio Laws, volume 73, page 169), to amend section seven of an act to authorize the County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act named therein, as passed March 29, 1867.

S. B. No. 263—Mr. Miller—To amend the second section of an act entitled "An act to authorize the Commissioners of the several counties in this State through which the National road passes to take under their care and control so much of said road as lies within the limits of such counties respectively," passed April 6, 1876. (Pages 105 and 106 of Ohio Laws, volume 73.)

S. J. R. No. 47—Mr. Burrows—Directing the Adjutant General to procure a record of deceased soldiers of the State whose graves are not marked.

S. J. R. No. 46—Mr. Kleinschmidt—Asking Congress for an appropriation for the erection of a Light-House and Fog Signal on Stannard's Rock, Lake Superior.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills and joint resolutions.

Th special order for this House, the contested election case of Cov *vs.* Harmon, was taken up for further consideration.

After some time spent in reading depositions, Wm. H. Hallam was called on part of the contestor, and having been sworn, submitted testimony.

Mr. T. C. Campbell conducting the examination on behalf of said contestee, and Benj. Butterworth cross-examining for contestee.

Counsel for contestant announced the close of his testimony in chief, and counsel for contestee proceeded to the reading of depositions taken by them; counsel for contestant reading cross-examinations.

Mr. Butterworth, counsel for contestee, filed the following notice:

IN THE SENATE OF OHIO.

JOSEPH COX, Contestant, *vs.* JUDSON HARMON, Contestee.

The contestee moves the Senate to issue an order directing Ernst Rydal. a Notary Public in and for the County of Hamilton and State of Ohio, to send to the President of the Senate the deposition of one Frederick Stagerman, taken as evidence in this case.

B. BUTTERWORTH,
C. W. COWAN,
M. F. WILSON,
Atty's for Contestee.

The President, giving it as his opinion that it was beyond the power of theSenate to issue such order, refused to entertain the motion.

Mr. Bates offered the following resolution:

S. R. No. 90—*Resolved*, That the further consideration of the Cox *vs.* Harmon case be adjourned to Monday, 12th March, 1877, at 3 P. M., and that the printer be required to furnish without delay all the evidence not yet printed.

Mr. Swan moved to amend said resolution as follows:

Strike out "March 12" and insert "March 7"

Mr. Johnston moved that said resolution and pending amendment be laid on the table.

On which motion the yeas and nays were taken, and resulted—yeas 16, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Beatty, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Johnston, Kessler, Kleinschmidt, Knox, Lewis, Philson, Rukenbrod, Schenck, Stanton.—16.

Those who voted in the negative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Burress, Hudson, Monahan, Owens, Ransom, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—16.

The President, deciding that he had no casting vote in this case, (section 59, p. 541, S. & C.,) declared the motion lost.

The question being on agreeing to the motion to amend, the yeas and nays were taken, and resulted—yeas 16, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Kessler, Kleinschmidt, Knox, Philson, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—16.

Those who voted in the negative were—

Messrs. Andrews, Ault, Bates, Burress, Ellis, Haines of Carroll, Hudson, Johnston, Lewis, Monahan, Owens, Ransom, Sheridan, Stickney, Stokes and Williams—16.

So the motion was lost.

Pending the consideration of said resolution—

Counsel for contestant offered the deposition of F. W. Stagerman, taken before E. H. Rydal, Notary Public within and for Hamilton county, Ohio—

Which, by order of the Senate and consent of counsel closed the testimony, both oral and by deposition, to be offered in this case by either contestant or contestee.

The question being on the adoption of S. R. No. 90—

Mr. Burrows moved to amend said resolution by striking out the words "Monday 12 of March," and inserting instead "the 1st day of March, 10½ o'clock A. M."

On which motion the yeas and nays were taken and resulted—yeas 16, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kessler, Kleinschmidt, Knox, Philson, Rukenbrod, Schenck, Stanton, Swan and Warnock—16.

Those who voted in the negative were—

Messrs. Andrews, Ault, Bates, Burress, Ellis, Haines of Carroll, Hudson,

Lewis, Monahan, Owens, Ransom, Sheridan, Spangler, Stickney, Stokes and Williams—16.

So the motion was disagreed to.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 16, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Burress, Ellis, Haines of Carroll, Hudson, Johnston, Lewis, Monahan, Owens, Ransom, Sheridan, Stickney, Stokes and Williams—16.

Those who voted in the negative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Kessler, Kleinschmidt, Knox, Philson, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—16.

So the resolution was lost.

Mr. Burrows moved that the further consideration of said case be adjourned until 10:15 A. M. to-morrow.

On which motion the yeas and nays were taken, and resulted—yeas 18, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kessler, Kleinschmidt, Knox, Philson, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—18.

Those who voted in the negative were—

Messrs. Andrews, Ault, Burress, Ellis, Haines of Carroll, Haines of Preble, Hudson, Lewis, Monahan, Owens, Ransom, Sheridan, Stickney, Stokes and Williams—14.

So the motion was agreed to, and the case was adjourned.

On motion of Mr. Curtiss the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

THURSDAY, MARCH 1, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. H. C. McBride of Zanesville.

The Journal was read and approved.

Mr. Rukenbrod presented the petition of Clarkson Heacock and Sarah Hartley of Columbiana county, and clerks of the "Salem Quarterly Meeting of Friends," asking for legal enactments with a view to the suppression of intoxicating liquors as a beverage..

Which was referred to the committee on Temperance.

Mr. Kessler presented the petition of Cincinnati Ice Company and 50 citizens of Hamilton county, asking for the improvement of Miami and Erie canal.

Which was referred to the committee on Public Works.

Mr. Kerr presented the remonstrance of the Board of Education of Clermont county, against the passage of an act for the compilation of text-books for the use of public schools.

Which was referred to the committee on Common Schools.

H. B. No. 688—To authorize the Commissioners of Lawrence county to fund the infirmary debt, and to levy a tax to liquidate the same.

Was read the second time and referred to the committee on Finance.

S. B. No. 326—To amend section 17 of an act entitled "An act authorizing the election of a Board of Police Commissioners, and consolidating the same with the Board of Health in cities of the first class with a population of less than one hundred and fifty thousand and over ninety thousand inhabitants at the last federal census, and to repeal certain acts" (O. L., Vol. 73, p. 47).

Was read the third time.

Mr. Owens moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Strike out all after the word "accused" in line 28, to and including the word "satisfied" in line 31.

Which was agreed to.

Mr. Owens was appointed as such select committee.

Mr. Owens, on leave, submitted the following report:

The select committee of one to whom was referred S. B. No. 326, with instructions to amend, reports the same back amended as instructed.

JAMES W. OWENS.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 24, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Brown of Lucas, Brown of Ross, Burns, Curtiss, Haines of Carroll, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Stokes, Swan, Warnock and Williams—24.

Mr. Ellis voted in the negative.

So the bill passed. The title was agreed to.

Mr. Burns submitted the following report:

The committee on Judiciary, to whom was referred S. B. No. 335—To change the time for holding the second and third terms of the Court of Common Pleas in the counties of Miami and Champaign for the year 1877—having had the same under consideration, report it back, and recommend its passage.

J. H. BATES, GEO. W. ANDREWS,
A. M. BURNS, N. P. BURRESS,
C. J. SWAN.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Stanton, Stickney, Stokes, Warnock and Williams—29.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the Senate amendments to—

H. B. No. 667—Mr. West—To authorize certain incorporated villages to issue bonds.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested—

H. B. No. 634—Mr. Blake—To provide for the payment of the contractors for the construction of the stone masonry, cut stone and brick ork for the Columbus Hospital for Insane.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 98—Mr. Barrett—For the protection of wool-growers and the confiscation of dogs.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 459—Mr. Stone—To authorize the Commissioners of the several connties in this State through which the Western Reserve and Maumee State road passess to take under their care and control so much of such road as lies within the limits of said counties respectively.

H. B. No. 675—Mr. McCoy—For the relief of the official sureties of Jacob Koch and John R. Helman, late Treasurers of Wayne county, Ohio.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 93—Mr. Howland—Providing for the treatment and restraint of Erastus Sinkler.

Attest: WM. LEONARD, *Clerk.*

Referred to the committee on Benevolent Institutions.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills and joint resolutions:

H. B. No. 524—To amend section 690, 691 and 692 of "An act to provide for the organization and government of municipal corporations," passed May 7, 1869.

H. B. No. 617—To amend section 20 of "An act for the relief of the poor, and to repeal certain acts therein named," passed April 12, 1876 (O. L., Vol. 73, p. 233).

H. B. No. 658—To authorize the Trustees of Perry township, Lake county, to transfer the sum of $700 surplus building fund to the road and township fund.

H. B. No. 667—To authorize the village of Loveland, Ohio, to issue bonds for certain purposes.

H. B. No. 307—To authorize the creation of a special school district in Brushcreek township, Scioto county.

H. B. No. 599—To refund interest paid by James Eakin, ex-Commissioner of Noble county, Ohio, on money borrowed for use of said county.

H. B. No. 498—To amend section two of an act to authorize and require the Board of Public Works to ascertain and locate all lands belonging to the State which lie at or near the Public Works of the State, with a proper description of the same, and also providing for the appraisement and sale of the same, passed April 29, 1872.

H. J. R. No. 67—In regard to dating of pensions allowed by the United States government.

E. L. Lybarger, Thos. S. Luccock,
J. W. Washburn, Asa Toberen,
C. J. Swan, T. P. Brown,
E. C. Lewis.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 48—Mr. Rukenbrod—Relative to the printing and distribution of the report of the Ohio Board of Centennial Managers.

Attest: Wm. Leonard, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 722—Mr. McLain—To authorize the transfer of certain funds therein named, now in the treasury of the city of Warren, Trumbull county, Ohio.

Attest: Wm. Leonard, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and joint resolution:

H. J. R. No. 67—Mr. Perkins—In regard to the dating of pensions allowed by the United States government.

H. B. No. 667—Mr. West—To authorize the village of Loveland, Ohio, to issue bonds for certain purposes.

H. B. No. 599—Mr. Dalzell—To refund the interest paid by James Eakin, ex-Commissioner of Noble county, Ohio, on moneys borrowed for use of said county.

H. B. No. 524—Mr. Dirr—To amend sections 690, 691 and 692 of an act to provide for the organization and government of Municipal Corporations," passed May 7, 1869.

H. B. No. 617—Mr. Sherrick—To amend section 20 of an act entitled "An act for the relief of the poor, and to repeal certain acts therein named," passed April 12, 1876, (O. L., vol. 73, p. 233.)

H. B. No. 307—Mr. Sellards—To authorize the creation of a special school district in Brush Creek township, Scioto county.

H. B. No. 658—Mr. Tryon—To authorize the trustees of Perry township, Lake county, to transfer the sum of seven hundred dollars, surplus building fund, to the road and township fund.

H. B. No. 498—Mr. Raudabaugh—To amend section two of an act to authorize and require the Board of Public Works to ascertain and locate all lands belonging to the State which lies at or near the Public Works of the State, with a proper description of the same; and also providing for the appraisement and sale of the same, passed April 29, 1872.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills and joint resolution.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has concurred in the passage of—

S. B. No. 248—Mr. Warnock—To amend section nine of an act entitled "An act supplementary to an act entitled 'an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852; passed April 15, 1867, (Swan & Sayler, 186), as amended February 25, 1869, (Ohio Laws, volume 66, page 14); as amended April 20, 1874. (Ohio Laws, volume 71, page 161); as amended April 11, 1876, (Ohio Laws, volume 73, page 188).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 607—Mr. Quinby, from committee on Codification and Revision of the Statutes—To amend, revise and consolidate the statutes relating to crimes and offenses, and to repeal certain acts therein named, to be known as "title one, crimes and offenses, part four of the act to revise and consolidate the general statutes of Ohio."

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 95—Mr. Hitchcock—Requesting the Board of Public Works to report forthwith the rates of tolls and exemptions on the Western Reserve and Maumee road.

Attest: WM. LEONARD, *Clerk.*

Referred to the committee on Public Works.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in the adoption of Senate amendments to—

H. J. R. No. 89—Mr. Converse—Providing for the erection of a suitable monument in Green Lawn cemetery, to the memory of Union soldiers buried there, and asks for a committee of Conference.

Attest: WM. LEONARD, *Clerk.*

The request of the House of Representatives was acceded to.

The President appointed Messrs. Knox, Bates and Hudson as members of such committee on part of the Senate.

S. B. No. 302—To amend section one of an act to protect the elections of voluntary political associations, and punish frauds therein, as passed April 20, 1874, (Ohio Laws, volume 71, page 104.)

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Owens, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—25.

So the bill passed. The title was agreed to.

Mr. Johnston offered the following resolution:

S. R. No. 91—*Resolved*, That the further hearing of the contested election case of Joseph Cox *versus* Judson Harmon, be adjourned until Tuesday, March 13, A. D. 1877, at 10½ o'clock A. M.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 24, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kessler, Kleinschmidt, Knox, Miller, Owens, Ransom, Reese, Sheridan, Stickney, Stokes, Swan, Warnock and Williams—24.

Those who voted in the negative were—

Messrs. Brown of Ross, Rukenbrod and Spangler—3.

So the resolution was adopted.

The case was so adjourned.

On motion of Mr. Kessler, the Senate took a recess.

THREE O'CLOCK P. M.

S. B. No. 288—Mr. Swan—To amend section 7 of an act entitled "An act establishing Boards of County Commissioners, and prescribing their duties," passed March 12, 1853, as amended March 30, 1868, as amended (S. & S., p. 89).

Was read the third time.

Mr. Burrows moved that the bill be referred to a select committee of one with instructions to amend as follows:

Strike out in lines 28, section 1, the words "two hundred and."

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 20, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Lucas, Burns, Burress, Curtiss, Haines of Carroll, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Sheridan, Swan, Warnock and Williams—20.

Those who voted in the negative were—

Messrs. Burrows, Miller, Ransom, Rukenbrod, Spangler and Stanton —7.

The bill passed. The title was agreed to.

Mr- Andrews, on leave, submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 601—To authorize the sale of certain lands therein named—having had the same under consideration, report it back and recommend its passage.

J. H. Bates, James W. Owens,
A. M. Burns, C. J. Swan,
Geo. W. Andrews.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 19, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Lucas, Burns, Burress, Haines of Carroll, Hudson, Kessler, Knox, Lewis, Miller, Philson, Ransom, Rukenbrod, Sheridan, Spangler, Swan, Warnock and Williams—19.

Mr. Johnston voted in the negative—1.

So the bill passed. The title was agreed to.

Mr. Brown of Lucas, on leave, submitted the following report:

The committee on Municipal Corporations, to whom was referred H. B. No. 663—To amend section 661 of an act to provide for the organization and government of municipal corporations," passed May 7, 1869, and took effect July 1, 1869, (O. L., vol. 66, p. 261)—having had the same under consideration, report it back and recommend its passage.

T. P. Brown, Wm. Miller,
H. Kessler, A. M. Burns,
J. C. Schenck.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Rukenbrod, Sheridan, Spangler, Stanton, Swan and Warnock—23.

So the bill passed. The title was agreed to.

Mr. Owens, on leave, submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. No. 491—To amend section 53 of the act defining the civil jurisdiction of Justices of the Peace, (S. & C., 780)—having had the same under consideration, report it back and recommend its passage.

J. H. Bates, W. R. Warnock,
James W. Owens, N. P. Burress,
A. M. Burns, Geo. W. Andrews,
C. J. Swan.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being, "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Rukenbrod, Spangler, Stanton, Swan, Warnock and Williams—23.

So the bill passed. The title was agreed to.

Mr. Johnston, on leave, submitted the following report:

The standing committee on Corporations other than Municipal, to whom was referred H. B. No. 206—To provide for the incorporation of mechanics' associations—having had the same under consideration, report it back without recommendation.

W. R. Warnock, Geo. W. Andrews,
J. R. Johnston, R. Stanton.

The bill was ordered to be read the third time Wednesday.

Mr. Ransom, on leave, submitted the following report:

The standing committee on Common Schools, to whom was referred H. B. No. 627—To authorize the creation of a special school district in the township of Dinsmore, Shelby county—having had the same under consideration, report it back and recommend its passage.

Edward P. Ransom, Samuel Knox,
W. R. Warnock, S. S. Burrows,
James W. Owens, W. Sheridan, Jr.

The bill was ordered to be read the third time Wednesday.

Mr. Swan, on leave, submitted the following report:

The committee on Judiciary, to whom was referred S. B. No. 317—Supplementary to an act to provide for the revision and consolidation of the statute laws of Ohio, passed March 27, 1875—having had the same under consideration, report it back, with following amendment, and recommend its passage when so amended.

In line three, of section one, strike out the word "two" and insert the word "three."

J. H. Bates, James W. Owens,
C. J. Swan, W. R. Warnock,
A. M. Burns.

The amendment was agreed to.

The bill was ordered to be engrossed at the Clerk's desk and read the third time.

The bill was read the third time.

Mr. Stanton moved that the bill be referred to a select committee of one with instructions to amend as follows:

Strike out the word "first" where it occurs in line 1, section 2, and lines 2 and 4, in section 3, and insert "twentieth."

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 23, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Rukenbrod, Sheridan, Spangler, Stanton, Swan and Warnock—23.

Those who voted in the negative were—

Messrs. Reese and Williams—2.

So the bill passed. The title was agreed to.

Mr. Rukenbrod submitted the following report:

The committee of conference, to whom was referred the subject matter of difference between the Senate and House upon Senate amendments to H. J. R. No. 66—Providing for the printing of additional copies of the Secretary of State's report—having had the same under consideration, recommend as follows:

1st—That the Senate recede from its first and second amendments, and the two Houses insert in lieu thereof the word "twelve."

2d—That the House concur in the third amendment, striking out all after the word "types" in line 20.

J. K. Rukenbrod,
Samuel Knox,
J. B. Williams,
Committee on the part of the Senate.

Geo. L. Converse,
J. H. Faxon,
I. W. Quinby,
Committee on the part of the House.

The question being on concurring in said report, the yeas and nays were taken, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Rukenbrod, Sheridan, Spangler, Stanton, Swan, Warnock and Williams—23.

So the report was concurred in.

Mr. Brown of Ross, on leave, submitted the following report.

The standing committee on Roads and Highways, to whom was referred H. B. No. 646—To amend the act entitled an act to authorize County Commissioners to purchase portions of turnpikes, passed April 11, 1876, (O. L., vol. 73, p. 220)—having had the same under consideration, report it back, and recommend its passage.

A. L. Brown, J. B. Williams,
A. Spangler, W. Sheridan, Jr.,
A R. Haines, J. R. Johnston.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 20, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Lewis, Ransom, Rukenbrod, Sheridan, Spangler, Stanton, Swan, Warnock and Williams—20.

Mr. Owens voted in the negative—1.

So the bill passed. The title was agreed to.

The following bills were introduced, on leave, and read the first time:

S. B. No. 342—Mr. Bates—To amend section 5, of an act to amend an act entitled "An act for the assessment and taxation of property in this State, and for levying taxes therein according to its true value in money," passed May, 8, 1868.

S. B. No. 343—Mr. Kerr—To create a sub-school district in Batavia township, Clermont county.

Mr. Lewis offered the following joint resolution:

S. J. R. No. 50—*Resolved by the General Assembly of the State of Ohio*, That there be printed in the German language, two thousand copies of the report of the State Commissioner of Common Schools, for 1876, to be distributed by the School Commissioner, among the counties, in proportion to their German population, as near as can be.

Which was referred to the committee on Public Printing.

On motion of Mr. Stanton, the Senate took a recess until 8½ o'clock, a. m. to-Morrow.

Friday, March 2, 1877—8½ o'clock, A. M.

On motion of Mr. Philson, the Senate adjourned, and, under S. R. No. 73, stands adjourned until 3 o'clock p. m., Tuesday next.

Attest: J. C. DONALDSON, *Clerk.*

Tuesday, March 6, 1877—3 o'clock P. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

Mr. Burress moved that the vote whereby H. B. No. 663—To amend section 661 of an act entitled "An act to provide for the organization and government of Municipal Corporations," passed May 7, 1869, and took

effect July 1, 1869. (O. L., vol. 66, page 261,) was passed, be reconsidered.

On motion of Mr. Miller, the motion to reconsider said vote was laid upon the table.

On motion of Mr. Bates, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

WEDNESDAY, MARCH 7, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the Governor:

THE STATE OF OHIO, EXECUTIVE DEPARTMENT.

COLUMBUS, February 28, 1877.

To the members of the Senate and of the House of Representatives of the General Assembly of the State of Ohio:

GENTLEMEN: I have the honor to inform you that I have this day resigned the office of governor of the State of Ohio, my resignation to take effect on the second day of March next.

Permit me to avail myself of the occasion to express, through you, to the people of Ohio, my grateful sense of obligation to them for the honor conferred in calling me to the discharge of the duties of the office.

I desire also to express my acknowledgment of the uniform good will and courtesy upon the part of the members of the Assembly, which have attended my official intercourse.

Very respectfully, your obedient servant,

R. B. HAYES.

Mr. Johnston, on leave, offered the following resolution:

S. R. No. 92—WHEREAS, Thomas L. Young, late Lieutenant Governor and President of the Senate, has been called to discharge the more arduous duties of Chief Executive of the State; and

WHEREAS, In the discharge of the intricate and important duties devolving upon him as presiding officer of this body, he has won the admiration and respect of each and every member of this Senate; therefore be it

Resolved, That the thanks of this Senate are due, and they are hereby tendered, to said Thomas L. Young for the able, upright and impartial manner in which he has, at all times, discharged his duties whilst presiding over the deliberations of this Senate.

Resolved, That a copy of these resolutions, properly engrossed, be presented to him as a testimonial of our esteem and regard for his services and personal worth.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross,

Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stokes, Swan and Williams—31.

So the resolution was adopted.

The contingency having arisen under section 16 of article 3 of the Constitution, of the Lieutenant Governor exercising the office of Governor, the Senate proceeded to choose a President of the Senate.

Mr. Knox nominated for said office, Harvey W. Curtiss, Senator from Cuyahoga county.

Mr. Andrews nominated for said office, John H. Hudson, Senator from Erie county.

Those who voted for Mr. Curtiss were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Rukenbrod, Schenck, Spangler, Stanton and Swan—18.

Those who voted for Mr. Hudson were—

Messrs. Andrews, Burress, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Lewis, Miller, Monahan, Owens, Sheridan, Stokes and Williams —13.

Mr. Curtiss having received a majority of the votes cast, was declared elected to said office of President of the Senate.

Mr. Johnston, occupying the Chair, appointed Messrs. Hudson and Knox as a committee to wait upon the President elect and inform him of his election to said office.

Mr. Curtiss on being conducted to the Chair by said committee, took an oath to faithfully discharge the duties of the office, and to support the Constitution of the United States and of the State of Ohio, and proceeded to the discharge of his duties.

The oath was administered by Chief Justice Welch.

Mr. Lewis presented the petition of Philip Lahm, Sr., and twenty other citizens of Tuscarawas county, paying for the passage of S. B. No. 340—To create a sub-school district in Dover township, Tuscarawas county, out of territory within the Dover Union school district in said county.

Which was referred to the committee on Common Schools.

Mr. Burns presented the remonstrance of Chas. Booth and D. S. Robinson, officers, and 44 members of Division No. 8, Brotherhood of Locomotive Engineers of Alliance, Ohio, remonstrating against the passage of H. B. No. 108.

Which was referred to the standing committee on Railroads.

Mr. Beatty asked, and obtained leave, to record his vote on the passage of S. B. No. 288.

His name being called he voted in the negative.

Mr. Brown of Lucas, presented the petition of tax-payers of Toledo, Lucas county, praying for the passage of an act to prescribe the taxation of property in certain cities.

Which was referred to the committee on Municipal Corporations.

Mr. Bates presented the petition of M. H. Richardson, and many other citizens of Ohio, praying for Temperance legislation.

Which was referred to the committee on Temperance.

Bills were read the second time and referred as follows:

S. B. No. 339—To authorize the City Council of the city of Akron, to levy a tax for certain purposes.

To the committee on Finance.

S. B. No. 340—To create a sub-school district in Dover township, Tuscarawas county, out of territory within the Dover Union School district, in said county.

To the committee on Common Schools and School Lands.

S. B. No. 341—To amend section 18 of an act relating to roads and highways, passed March 9, 1868. (O. L. vol. 65, p. 19.)

To the committee on Roads and Highways.

S. B. No. 342—To amend section 5 of an act to amend an act entitled an act for the assessment and taxation of property in the State, and for levying taxes therein, according to its true value in money, passed May 8, 1868.

To the committee on Judiciary.

S. B. No. 343—To create a sub-school district in Batavia township, Clermont county, Ohio.

To the committee on Common Schools and School Lands.

H. B. No. 634—To provide for the payment of the contractors for construction of the stone masonry, cut stone and brick work of the Columbus Hospital for Insane.

To committee on Benevolent Institutions.

H. B. No. 98—For the protection of wool growers and confiscation of dogs.

To the committee on Agriculture.

H. B. No. 675—For the relief of the official sureties of Jacob B. Koch ond John R. Helman, late Treasurers of Wayne county, Ohio.

To the committee on Finance.

H. B. No. 722—To authorize the transfer of certain funds therein named, now in the treasury of the city of Warren, Trumbull county, Ohio.

To the committee on Finance.

H. B. No. 607—To amend, revise and consolidate the statutes relating to crimes, and repeal certain acts therein named. To be known as title one, crimes and offenses part four, of the act to revise and consolidate the general statutes of Ohio.

To the committee of the Whole Senate.

H. B. No. 497—To amend section 28 of an act to more effectually provide for locating, establishing and constructing ditches, drains and water courses in townships, and to repeal certain acts therein named.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Lucas, Burns, Burress, Burrows, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stokes, Swan and Williams—25.

So the bill passed. The title was agreed to.

H. B. No. 260—To amend section 12 of an act entitled an act for the punishment of certain offenses therein named, passed March 8, 1831, and took effect June 1, 1831, (S. & C., p. 429,) as amended February 21, 1873. (Ohio Laws, page 39.)

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stokes, Swan and Williams—30.

The bill passed. The title was agreed to.

S. B. No. 294—To amend an act entitled an act to amend an act fixing the rate of interest, passed January 12, 1824, passed February 18, 1848. (S. & C. p. 744.)

Was read the third time.

Mr. Monahan moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section one, line eight, strike out the word "two" and insert "four."

Which was disagreed to.

On motion of Mr. Swan the Senate took a recess.

THREE O'CLOCK P. M.

The question being "Shall the bill pass?" (S. B. No. 294) the yeas and nays were taken, and resulted—yeas 17, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Brown of Ross, Burress, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Miller, Owens, Schenck, Spangler and Stanton—17.

Those who voted in the negative were—

Messrs. Beatty, Brown of Lucas, Burrows, Monahan, Philson, Rukenbrod, Sheridan, Stokes and Swan—9.

So the bill was lost.

On motion of Mr. Brown of Ross, the vote whereby said S. B. No. 294, was lost, was reconsidered.

The bill was laid upon the table.

On motion of Mr. Burress, the motion to reconsider the vote whereby H. B. No. 663—To amend section 661 of an act entitled an act to provide for the organization and government of Municipal Corporations, passed May 7, 1869, and took effect July 1, 1869, (O. L. Vol. 66, p. 261,) was passed, was taken from the table.

The motion was agreed to.

Mr. Burress moved that said bill be referred to a select committee of one, with instructions to amend as follows:

After the word "canceled" in line 15, in section 1, add the following:

"And provided further, that no loan as aforesaid, shall be made during any one fiscal year, in anticipation of such fund, exceeding the amount of taxes and revenue from other sources, due and payable into the said fund for said fiscal year.

Pending the consideration of said motion—

On motion of Mr. Brown of Lucas, said bill was laid on the table.

H. B. No. 449—To authorize the Auditor of Licking county, Ohio, to remit certain taxes on lot No. 166, in the village of Hebron, in said county, was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Ross, Burns, Burress, Bur-

rows, Curtiss, Ellis, Haines of Preble, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Miller, Monahan, Owens, Philson, Rukenbrod, Schenck, Spangler, Stanton, Stoke and Williams—25.

So the bill passed. The title was agreed to.

On motion of Mr. Brown of Ross, the order whereby H. B. No. 581—Authorizing the County Commissioners of Ross county, to build a county jail, and to issue bonds therefor, was set for third reading to-day, was discharged, and the bill was ordered to be read the third time to-morrow.

On motion of Mr. Owens, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk*.

THURSDAY, MARCH 8, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read.

Mr. Andrews moved that the Journal be corrected so as to show the facts in the election of presiding officer of the Senate on yesterday, in this, that there was a President pro tempore elected.

Which was agreed to.

The Journal was approved.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed, amended S. B. No. 243.

W. W. BEATTY,
J. C. SCHENCK,
H. V. KERR.

Mr. Lewis presented the remonstrance of Samuel W. Craxton and 111 other citizens of Canal Dover, Tuscarawas county, against the passage of a bill to create a sub-school district in Dover township, Tuscarawas county, out of territory within the Dover Union school district in said county.

Which was referred to the committee on Common Schools.

Mr. Brown of Ross, moved that S. B. No. 294—To amend an act entitled "An act to amend an act fixing the rate of interest, passed January 12, 1824," passed February 18, 1848. (S. & C.,, p. 744.)—be taken from the table.

On which motion the yeas and nays were demanded, taken and resulted—yeas 25, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Beatty, Brown of Ross, Burress, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton and Stickney—25.

Those who voted in the negative were—

Messrs. Brown of Lucas, Burrows, Monahan, Stokes, Swan and Williams—6.

So the bill was taken from the table.

Mr. Burrows moved that the bill be referred to a select committee of one with instructions to amend as follows:

Strike out the word "two" in line 18, and insert "six."

Which was disagreed to.

Mr. Monahan moved that the bill be referred to a select committee of one with instructions to amend as follows:

In section 1, line 2, after the word "money," insert "in contracts hereafter made. Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 19, nays 13, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Brown of Ross, Burns, Burress, Curtiss, Ellis, Haines of Carroll, Johnston, Kent, Kessler, Kleinschmidt, Knox, Miller, Owens, Ransom, Schenck, Spangler, Stanton and Stickney—19.

Those who voted in the negative were—

Messrs. Beatty, Brown of Lucas, Burrows, Hudson, Kerr, Lewis, Monahan, Philson, Rukenbrod, Sheridan, Stokes, Swan and Williams—13.

So the bill passed. The title was agreed to.

On motion of Mr. Haines of Carroll, H. B. No. 298—To amend section 4 of an act entitled "An act relating to roads and highways," passed March 9, 1868 (S. & S., p. 662.)—was taken from the table.

Mr. Haines of Carroll moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In line 23 of section 1, between the words "company" and "shall" insert the following: "And all other persons named in the act relating to fire companies," passed March 26, 1872. (O. L., Vol. 69, p. 54.) Together with all active and contributing members of military companies and batteries organized under the laws of this State."

Which was agreed to.

Mr. Haines of Carroll, was appointed as such select committee.

Mr. Haines of Carroll, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 298, with instructions to amend, reports the same back amended as instructed.

A. R. Haines.

Mr. Johnston moved that the bill be referred to a select committee of one with instructions to amend as follows:

In line 7 of section 1, after the words "United States" insert the following: "And all persons who may be drawing a pension from the United States."

On which motion the yeas and nays were demanded, taken and resulted—yeas 12, nays 18, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Burress, Ellis, Haines of Carroll, Johnston, Kerr, Owens, Philson, Stokes and Williams.—12.

Those who voted in the negative were—

Messrs. Brown of Lucas, Brown of Ross, Burrows, Curtiss, Hudson, Kent, Kessler, Kleinschmidt, Knox, Miller, Monahan, Ransom, Rukenbrod, Sheridan, Spangler, Stanton, Stickney and Swan—18.

So the motion was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Miller, Owens, Philson, Ransom, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Williams—30.

So the bill passed. The title was agreed to.

H. B. No. 206—To provide for the incorporation of mechanics' associations.

Was read the third time.

On motion of Mr. Andrews the further consideration of the bill was postponed until 10 o'clock A. M., Tuesday, and made the special order for that hour.

S. B. No. 243—To repeal section 2 of an act entitled "An act to fix the rate of legal advertising."

Was read the third time.

Mr. Kessler moved that the bill be referred to a select committee of one with instructions to amend as follows:

In section 1, line 13, after the word "occupied" add the following: "Provided in cities of the first class having a population of two hundred thousand and over, for the first insertion fifty cents for each square, and for each additional insertion, required by law, twenty-five cents for each square."

Which was agreed to.

Mr. Kessler was appointed as such select committee.

Mr. Kessler, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 243, with instructions to amend, reports the same back amended as instructed.

H. KESSLER.

Mr. Brown of Ross moved that the bill be referred to a select committee of one with instructions to amend as follows:

Strike out all of section 1 after the word "square" in the amendment.

On which motion the yeas and nays were demanded, taken and resulted—yeas 3, nays 25—as follows:

Those who voted in the affirmative were—

Messrs. Brown of Ross, Curtiss and Spangler—3.

Those who voted in the negative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Burress, Burrows, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Ransom, Rukenbrod, Schenck, Sheridan, Stickney, Stokes, Swan and Williams—25.

So the motion was disagreed to.

On motion of Mr. Monahan the Senate took a recess.

THREE O'CLOCK P. M.

The question being on the passage of S, B. No. 243—

Mr. Stanton moved that the bill be referred to a select committee of one with instructions to amend as follows:

Strike out the words "one dollar" after the word "insertion," in line 10, section 1, and insert the words "eighty cents."

Which was disagreed to.

Mr. Brown of Lucas moved that the bill be referred to a select committee of one with instructions to amend as follows:

Strike out all the words after the word "in," in line 3, section 2, to and including the word "therein," in line 5, same section, and insert the words "one newspaper in each of the several counties of this State."

Which was disagreed to.

Mr. Warnock moved that the bill be referred to a select committee of one, with instructions to amend as follows:

1st—In section 2, lines 1 and 2, strike out the words "orders fixing the times of holding courts."

2d—In lines 2 and 3 strike out the words "bridge, pike and ditch notices, notices to contractors."

On demand of Mr. Knox, a division of the question was had.

The first division of the question being "Shall the committee be instructed to strike out the word 'ditch,' in line three, section two?" was agreed to.

The second division being that part amending lines one and two, section two, was disagreed to.

The third division being the proposed amendment striking out the words, "bridge, pike notices, notices to contractors," was disagreed to.

Mr. Warnock was appointed such select committee.

Mr. Warnock, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 243, with instructions to amend, reports the same back amended as instructed.

W. R. Warnock.

Mr. Andrews moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In line two, section three, strike out the word "may," and insert "shall;" and after the word "may," aforesaid, strike out: "if they deem the same to be necessary to the general information and advantage of the public;" and after the word "all," in line three, strike out "or such of said."

On which motion the yeas and nays were demanded, taken, and resulted—yeas 12, nays 17, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Burress, Ellis, Hudson, Lewis, Miller, Monahan, Owens, Sheridan, Stickney and Williams—12.

Those who voted in the negative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Spangler, Stanton, Swan and Warnock—17.

So the motion was disagreed to.

Mr. Burrows moved that the vote whereby the motion of Mr. Stanton to refer to a select committee of one with instructions to amend, was lost, be reconsidered.

On which motion the yeas and nays were demanded, taken and resulted—yeas 15, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Kent, Kessler, Kleinschmidt, Monahan, Owens, Philson, Schenck, Spangler, Stanton and Warnock—15.

Those who voted in the negative were—

Messrs. Andrews, Ault, Burress, Ellis, Haines of Carroll, Hudson, Johnston, Kerr, Knox, Lewis, Rukenbrod, Sheridan, Stickney, Stokes, Swan and Williams—16.

So the motion was disagreed to.

Mr. Warnock moved that the bill be referred to a select committee of one with instructions to amend as follows:

Strike out all after the enacting clause and insert the following:

That section two of an act entitled "An act to fix the rate of legal advertising," passed and took effect March 25, 1876, be and the same is hereby repealed.

Provided, That in cities of the first class, having a population of two hundred thousand and over, the rate of advertising shall be, for the first insertion, fifty cents for each square, and for each additional insertion authorized by law, twenty-five cents for each square.

Sec. 2. This act shall take effect and be in force from and after its passage.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 7, nays 24, as follows:

Those who voted in the affirmative were—

Messrs. Brown of Lucas, Brown of Ross, Burrows, Kent, Spangler, Stanton and Warnock—7.

Those who voted in the negative were—

Messrs. Andrews, Ault, Beatty, Burns, Burress, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kerr, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Rukenbrod, Sheridan, Stickney, Stokes, Swan and Williams—24.

So the motion was disagreed to.

The question recurring, "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 28, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Ross, Burns, Curtiss, Ellis, Haines Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Rukenbrod, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—28.

Mr. Brown of Lucas voted in the negative were—1.

So the bill passed.

Mr. Rukenbrod moved to amend the title as follows: "A bill to fix the rate of legal advertising, and to repeal a certain act named therein."

Which was agreed to.

The title, as amended, was agreed to.

Mr. Burrows moved that H. B. No. 78—To secure to children the benefits of an elementary education, be taken from the table.

On which motion the yeas and nays were demanded, taken and resulted—yeas 18, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burrows, Johnston, Kleinschmidt, Knox, Monahan, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Swan and Warnock—18.

Those who voted in the negative—

Messrs. Andrews, Ault, Burns, Curtiss, Ellis, Hudson, Lewis, Owens and Williams—9.

The bill was made the special order for 10½ o'clock A. M. to-morrow.

Mr. Andrews offered the following joint resolution:

S. J. R. No. 51—*Resolved by the General Assembly of the State of Ohio*, That a joint committee be appointed, consisting of three on part of the Senate, and —— on part of the House, to make suitable arrangements for the inauguration of Hon. Thos. L. Young as Governor of the State; that the ceremonies of such inauguration take place under such arrangements as the said committee shall make, in the rotunda of the Capitol, on Saturday, March 10, 1877, at 11 o'clock A. M. on said day.

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 20, nays 4, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Ross, Burress, Burrows, Ellis, Haines of Carroll, Johnston, Knox, Lewis, Monahan, Owens, Rukenbrod, Schenck, Sheridan, Stanton, Stokes, Warnock and Williams—20.

Those who voted in the negative were—

Messrs. Brown of Lucas, Burns, Curtiss and Philson—4.

So the resolution was adopted.

Mr. Stanton moved that the vote whereby S. J. R. No. 51 was adopted, be reconsidered.

Mr. Burrows moved that said motion to reconsider be laid on the table.

Which was agreed to.

Mr. Johnston, on leave, submitted the following report:

The standing committee on Corporations other than Municipal, to whom was referred S. B. No. 287—For the better management of Orphan Asylums—having had the same under consideration, report it back with the following amendments, and recommend its passage when so amended:

1st—In line four of section two, strike out the following: "Judges of the Court of Common Pleas," and insert in lieu thereof the following: "Probate Judge."

2d—At the close of section two add the following: "*Provided*, that in any county containing a city of the first class, having a population of two hundred thousand inhabitants and upwards, at the last federal census, such appointment shall be made by the Judges of the Court of Common Pleas of said county, or a majority of them, upon application made for that purpose, as prescribed in this section.

J. R. Johnston, Wm. W. Beatty,
R. Stanton, Geo. W. Andrews.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Knox, on leave, submitted the following report:

The standing committee on Common Schools, to whom was referred S. B. No. 304—Supplementary to an "Act to provide for the sale of three several tracts of Moravian lands in the county of Tuscarawas," passed March 20, 1840, (Local laws, Vol. 38, p. 164) having had the same under consideration, report it back with the following amendments, and recommend its passage when so amended:

1st—After the word "Ohio," line one, section one, strike out the remainder of the section, and insert as follows:

"That the management of said school lot in the Guadenhutten tract shall vest in three trustees to be elected by the qualified voters residing on said tract. And the clerk of the township in which said tract is situated, shall, within thirty days after the passage of this act, cause printed or written notices to be set up in at least five of the most public places in said tract, requiring an election to be held therein for electing three trustees to perform all the duties pointed out in this act, giving ten days' notice of the time and place of holding such election, which shall be held at a convenient place; and the electors, when assembled to the number of ten or more, shall proceed to choose, *viva voce*, three persons having the qualifications of electors, judges of the election, one of whom shall serve as clerk; the electors shall then proceed to elect one

trustee to serve one year, one for two years and one for three years from the time of their qualification, or until their successors are elected and qualified. And on the last Saturday of January, A. D. 1878, and annually thereafter, said electors shall meet at such convenient place as said board of trustees may designate, after ten days' notice, by posters, as aforesaid, by said board, to elect one member of said board for three years; the said trustees shall preside at such annual elections, and shall appoint two clerks who shall keep two poll books containing the names of the electors and the result of the ballot—which poll books shall be signed by the trustees and clerks. The trustees shall take an oath or affirmation to faithfully perform the duties of their office."

2d—Add to section four the following: "and make report thereof to the county Auditor."

3d—Add to section five the following: "and make report thereof to the county Auditor."

4th—In line one, section seven, strike out the word "director" and insert the word "trustees."

5th—Add to section seven the following: "And said board of trustees shall be governed in all respects not inconsistent with this act, by the provisions of "An act to incorporate the original surveyed townships," passed March 14, 1831, and took effect June 1, 1831, and the acts amendatory and supplementary thereto, and by the provisions of "An act for the reorganization and maintenance of Common Schools," passed May 1, 1873, and the acts amendatory and supplementary thereto, so far as they may be applicable."

SAMUEL KNOX, S. S. BURROWS,
JAMES W. OWENS, E. P. RANSOM,
WM. SHERIDAN, JR.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

On motion of Mr. Beatty—

S. B. No. 296—Supplementary and amendatory of the act entitled "An act to amend sections two, four and twenty-four of an act entitled 'An act to preserve the purity of elections,'" passed March 20, 1841, (Swan & Critchfield, 543, 544, 547), as amended by the acts of April 15, 1857, (volume 54, Ohio Laws, 136), May 30, 1864, (volume 61, Ohio Laws, 83), and April 15, 1867, (volume 64, Ohio Laws, 151), and to repeal the acts amendatory thereof and supplementary thereto, passed February 15, 1861, (volume 58, Ohio Laws, 17), May 30, 1864, (volume 61, Ohio Laws, 83), April 15, 1867, (volume 64, Ohio Laws, 151), and April 16, 1867, (volume 64, Ohio Laws, 228, 229), as amended April 17, 1868, (Swan & Sayler, 340.)

Was taken from the table.

The bill was ordered to be placed on the calendar for third reading to-morrow.

The following bill was introduced on leave, and read the first time:

S. B. No. 344—Mr. Lewis—To authorize the school board of New Philadelphia, Ohio, to issue bonds and build a new school house.

On motion of Mr. Brown of Lucas, H. B. No. 663—To amend section 661 of an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869, and took effect July 1, 1869. (O. L., Vol. 66, p. 261.)—was taken from the table.

The question recurring on the reference of the bill to a select committee of one (see Journal of March 7)—

The motion was agreed to.

Mr. Burress was appointed such select committee.

Mr. Burress, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 663, with instructions to amend, reports the same back amended as instructed.

N. P. BURRESS.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 30, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kent, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—30.

Mr. Johnston voted in the negative—1.

So the bill passed. The title was agreed to.

The following bills were introduced, on leave, and read the first time:

S. B. No. 345—Mr. Rukenbrod—To amend section 2 of an act to amend an act entitled "An act for the protection of railroads," passed March 20, 1849, passed March 6, 1845. (S. & C., Vol. 1, p. 420.)

S. B. No. 346—Mr. Swan—To amend section 70 of an act entitled "An act to establish a code of civil procedure," passed March 11, 1853, and amended April 3, 1862 (S. & S., stat. 543), as amended February 11, 1874 (O. L., Vol. 71, p. 4).

S. B. No. 347—Mr. Monahan—To authorize the Commissioners of Jackson county to transfer certain funds to the poor fund of said county.

Mr. Hudson, on leave, submitted the following report:

The standing committee on Finance, to whom was referred S. B. No. 339—To authorize the Council of the City of Akron to levy a tax for cemetery purposes—having had the same under consideration, report it back and recommend its passage.

JNO. H. HUDSON, ELIAS ELLIS,
H. W. CURTISS, A. R. HAINES,
SAM'L KNOX.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Ellis, on leave, submitted the following report:

The standing committee on Finance to whom was referred H. B. No. 659—Authorizing the Common Council of the incorporated village of Nelsonville, Athens county, to transfer certain funds—having had the same under consideration, report it back, and recommend its passage.

ELIAS ELLIS, JNO. H. HNDSON,
SAM'L KNOX, H. W. CURTISS.

The bill was ordered to be read the third time.

The bill was read the third time.

Mr. Stanton moved that the bill be laid on the table.

Which was disagreed to.

Mr. Ransom moved that the bill be referred to a select committee of one, with instructions to amend as follows:

At the end of section 1 insert "Provided that the question of said transfer shall be first submitted to a vote of the qualified electors of Nel-

sonville at the first regular election after the passage of this bill, and that a majority of said electors vote aye on the question."

"For transfer from general reserve fund to street fund."

"Against transfer from general reserve fund to street fund."

Which was agreed to.

Mr. Ransom was appointed such select committee.

Mr. Ransom, on leave, submitted the following report:

The Select Committee of one, to whom was referred H. B. No. 659, with instructions to amend, reports the same back amended as instructed.

E. P. RANSOM.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Williams—29.

So the bill passed. The title was agreed to.

Mr. Burns submitted the following report:

The standing committee on Municipal Corporations to whom was referred H. B. No. 570—To anthorize the village Council of the incorporated village of Wilmington, Clinton county, Ohio, to raise money to build a town hall and engine house—having had the same under consideration, report it back, and recommend its passage.

A. M. BURNS, JAMES W. OWENS,
J. C. SCHENCK, T. P. BROWN,
H. KESSLER, WM. MILLER.

The bill was ordered to be read the third time to-morrow.

Mr. Burns submitted the following report:

The standing committee on Municipal Corporations, to whom was referred S. B. No. 315—"To divide the township of Perry, county of Columbiana, into two election precincts"—having had the same under consideration, report it back and recommend its passage.

A. M. BURNS, JAMES W. OWENS,
J. C. SCHENCK, T. P. BROWN,
H. KESSLER.

The bill was ordered to be engrossed and read the third time to-morrow:

The following bill was introduced, on leave, and read the first time:

S. B. No. 348—Mr. Lewis—To create a special school district in Sandy township, Tuscarawas county.

Leave of absence was granted Mr. Johnston until Tuesday next.

On motion of Mr. Kleinschmidt, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

FRIDAY, MARCH 9, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

Mr. Knox presented the petition of Andrew McFarland and 243 other citizens of Harrison county, for a statute declaring that it is a penal offense to get drunk, and subjecting the culprit to imprisonment until in sobriety he gives legal testimony for use against the person or persons who furnished the liquor producing his drunkenness.

Which was referred to the committee on Temperance.

H. B. No. 459—To authorize the Commissioners of the several counties in this State through which the Western Reserve and Maumee State Road passes, to take under their care and control so much of said road as lies within the limits of such counties respectively.

Was read the second time and referred to the committee on Judiciary.

The following bill was introduced on leave, and read the first time:

S. B. No. 349—Mr. Stickney—For the relief of Peter Weikirt.

H. B. No. 78—To secure to children the benefits of an elementary education.

The special order for this hour was taken up for further consideration.

The question being on agreeing to the motion of Mr. Stanton that the bill be referred to a select committee of one with instructions to amend—

The yeas and nays were demanded, taken, and resulted—yeas 24, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Curtiss, Ellis, Haines of Carroll, Hudson, Kent, Kessler, Knox, Lewis, Miller, Monahan, Schenck, Sheridan, Spangler, Stanton, Stokes, Warnock and Williams—24.

Those who voted in the negative were—

Messrs. Burrows, Kerr, Kleinschmidt, Owens, Philson, Ransom, Rukenbrod, Stickney and Swan—9.

So the motion was agreed to.

Mr. Stanton was appointed such select committee.

Mr. Stanton, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. ,78 with instructions to amend, reports the same back amended as instructed.

R. Stanton.

Mr. Burrows moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Add at the end of line six, section six, the following words:

Providing that it shall be the duty of the Board of Education to take charge of, in their discretion, said books so provided in the interim of their attendance at school.

Which was disagreed to.

Mr. Monahan moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section one, line four, strike out the word "required," and insert "compelled."

Strike out all in section two, and insert:

Sec. 2. That each and every child between the ages of eight and fourteen years, and not excused by section first of this act, found upon the street, in any work-shop, at home or other place during school hours for the time mentioned in said section first, shall, upon information of any person, be arrested by any sheriff, marshal, or constable having jurisdic-

tion in the county, city, village, or township, and forthwith be conveyed to the proper school in the district to which the child belongs, there to be dealt with under rules and regulations provided by the Board of Education.

Strike out all of section three, and insert in lieu thereof:

SECTION 3. That it shall be the duty of any officer mentioned in section two, upon proper information, to forthwith arrest any child of the age mentioned in section one, and not excused by said act, and forthwith convey said child to the school in the proper district.

SECTION 4. That if any officer mentioned in section two, shall neglect or refuse to comply with said act, upon conviction thereof shall be fined in any sum not exceeding ten dollars.

Strike out all in section five.

In section seven, line two, after the word "act," insert, "or shall resist the arrest of any child mentioned in said act.

Strike out all after section eight.

Strike out figure ,'six," in section six, and insert "five."

In section seven, strike out the figure "seven," and insert "six."

Change section nine to section seven; section ten to section eight.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 4, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Brown of Lucas, Hudson, Monahan and Reese—4.

Those who voted in the negative were—

Messrs. Beatty, Burns, Burrows, Curtiss, Haines of Carroll, Kent, Kessler, Kleinschmidt, Knox, Lewis, Philson, Rukenbrod, Stanton, Stickney and Warnock—15.

So the motion was disagreed to.

Mr. Brown of Ross moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Strike out all of section three.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 17, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Lucas, Brown of Boss, Burns, Burress, Curtiss, Ellis, Haines of Carroll, Hudson, Kent, Kessler, Miller, Monahan, Reese, Sheridan and Stanton—17.

Those who voted in the negative were—

Messrs. Beatty, Burrows, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stickney, Stokes, Swan and Warnock—12.

So the motion was agreed to.

Mr. Brown of Ross was appointed such select committee.

Mr. Brown of Ross, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 78, with instructions to amend, reports the same back amended as instrutted.

A. L. BROWN.

Mr. Swan moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section eight, line three, strike out "three and four."

Which was agreed to.

Mr. Swan was appointed such select committee.

Mr. Swan, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 78, with instructions to amend, reports the same back amended as instructed.

C. J. SWAN.

Mr. Kent moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section five, line eleven, after the word "section," strike out the word "three," and insert instead thereof the word "seven."

Which was agreed to.

Mr. Kent was appointed such select committee.

Mr. Kent, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 78, with instructions to amend, reports the same back amended as instructed.

M. KENT.

On motion or Mr. Curtiss the Senate took a recess.

THREE O'CLOCK, P. M.

The question being on the passage of said H. B. No. 78.

Mr. Monahan moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Strike out all in section seven, and change sections so as to number correctly.

Which was disagreed to.

On demand of Mr. Burrows a call of the Senate was had.

Thirty-four Senators answered to their names.

Messrs. Bates, Haines of Preble and Johnston, were absent.

Mr. Johnston was absent on leave.

On motion of Mr Burress, all further proceedings under the call were dispensed with.

Mr. Monahan moved that the bill be indefinitely postponed.

On which motion, the yeas and nays were demanded, taken, and resulted—yeas 14, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Ellis, Haines of Carroll, Hudson, Kerr, Lewis, Miller, Monahan, Owens, Reese, Sheridan, Stokes and Williams—14.

Those who voted in the negative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Swan and Warnock—19.

So the motion was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 19, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Swan, and Warnock—19.

Those who voted in the negative were—

Messrs. Andrews, Ault, Burress, Ellis, Haines of Carroll, Hudson, Kerr, Lewis, Miller, Monahan, Owens, Reese, Sheridan, Stokes and Williams—15.

The bill passed. The title was agreed to.

Mr. Brown of Ross moved that H. B. No. 581—Authorizing the

County Commissioners of Ross county to build a county jail, and to issue bonds therefor—be taken up out of its order and read the third time.

Which was disagreed to.

On motion of Mr. Beatty, S. B. No. 296—Supplementary and amendatory of the act entitled "An act to amend sections 2, 4 and 24 of an act entitled 'an act to preserve the purity of elections,'" passed March 20, 1841, (S. & C., 543, 544, 547), as amended by the acts of April 15, 1857, (vol. 54, O. L., 136), May 30, 1864, (vol. 61, O. L., 83), and April 15, 1867, (vol, 64, O. L., 151), and to repeal the acts amendatory thereof and supplementary thereto, passed February 15, 1861, (vol. 58, O. L., 17), May 30, 1864, (vol. 61, O. L., 83), April 15, 1867, (vol. 64, O. L., 151), and April 16, 1867, (vol. 64, O. L., 228, 229), as amended April 17, 1868, (S. & S., 340)—was taken from the calendar, and made the special order for 10:30 o'clock a. m., Tuesday.

S. B. No. 316—To repeal section 665 of an act entitled "An act to provide for the organization and government of Municipal Corporations," passed May 7, 1869, and took effect July 1, 1869, (O. L., vol. 66, p. 262); also, to repeal section 666 of the same act, as amended April 18, 1870, (O. L., vol. 67, p. 86).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 33, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kent, Kerr, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—33.

So the bill passed. The title was agreed to.

H. B. No. 581—Authorizing the County Commissioners of Ross county to build a county jail, and issue bonds therefor.

Was read the third time.

Mr. Brown of Ross moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section 1, line 3, add after "jail," "and jailor's residence upon the same lot of ground now occupied for that purpose," and in same section, line 5, strike out "twenty" and insert "eignteen,"

Which was agreed to.

Mr. Brown of Ross was appointed such select committee.

Mr. Brown of Ross, on leave, submitted the following report:

The select committee of one, to whom was referred House Bill No. 581 with instructions to amend, reports the same back amended as instructed.

A. L. Brown.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 33, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—33.

So the bill passed. The title was agreed to.

Mr. Monahan, on leave, offered the following joint resolution:

S. J. R. No. 52—

WHEREAS, Rutherford B. Hayes, President of the United States, in his inaugural address, declares that the pacification and peace of the country depends upon the adoption of such principles and measures as will secure the complete protection of all citizens in the free enjoyment of all their constitutional rights; and,

WHEREAS, The said President has foreshadowed his policy by his letter of acceptance, and has declared in his inaugural address that he still adhers to the policy thus foreshadowed, and will endeavor to carry the principles thus enunciated into full force and practical effect; therefore, be it

Resolved by the General Assembly of the State of Ohio, That our views are in accord with the sentiments thus expressed by the President of the United States, in regard to the pacification of the country, approve and endorse the principles and measures in regard thereto, enunciated in his letter of acceptance, and reiterated in his inaugural address.

Resolved, That we have full confidence in the patriotism, honor and honesty of Rutherford B. Hayes, President of the United States, and believe that he will, in good faith, adhere to his former declarations, and will, as far as within his power, carry them out in the practical administration of the Government.

Resolved, That we pledge our co-operation and will use every means within the power of the State to give endorsement, aid and assistance in carrying into practical effect this, the one great object in our public affairs, to-wit: the pacification of the country by doing away with all animosities and sectional hate, coveted and prized by the adherents of the late administration, as the chief corner stone of political success.

Mr. Owens moved that the resolutions be referred to the committee on Federal Relations.

Which was disagreed to.

Mr. Miller moved that the resolutions be laid on the table.

On which motion, the yeas and nays were demanded, taken, and resulted—yeas 14, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Burress, Ellis, Haines of Carroll, Haines of Preble, Hudson, Kerr, Miller, Owens, Reese, Sheridan, Stickney and Williams—14.

Those who voted in the negative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Kent, Kessler, Kleinschmidt, Knox, Monahan, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—19.

So the motion was disagreed to.

Mr. Miller moved that the Senate adjourn.

Which was disagreed to.

Mr. Brown of Ross moved that the resolution be amended as follows:

Strike out all after the word "hate" in the third resolution.

Which was agreed to.

Mr. Andrews moved that the Senate adjourn.

Which was disagreed to.

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 18, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Cur-

tiss, Kent, Kessler, Kleinschmidt, Knox, Monahan, Philson, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—18.

Those who voted in the negative were—

Messrs. Andrews, Ault, Burress, Ellis, Haines of Carroll, Haines of Carroll, Hudson, Kerr, Lewis, Miller, Owens, Sheridan, Stickney and Williams—14.

So the resolution was adopted.

On motion of Mr. Warnock the Senate adjourned.

Attest: J. C. DONALDSON *Clerk.*

SATURDAY, MARCH 10, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed S. B's. No's. 287, 315, 339 and 304.

W. W. BEATTY,
H. V. KERR,
J. C. SCHENCK.

The following communications were received from the Governor:

MESSAGE FROM THE GOVERNOR.

THE STATE OF OHIO, EXECUTIVE DEPARTMENT,

COLUMBUS, 9TH DAY OF MARCH, 1877.

To the Senate:

I have the honor to inform you that I have made the following appointments, to take effect on and after Monday, March 12, 1877:

Rodney Foos of Columbus, to be Private Secretary.

James L. Murray, of Cincinnati, to be Executive Clerk.

Very respectfully,

THOS. L. YOUNG. *Governor.*

The communication was ordered to be placed on file.

MESSAGE FROM THE GOVERNOR.

THE STATE OF OHIO, EXECUTIVE DEPARTMENT.

COLUMBUS, 9TH DAY OF MARCH, 1877.

To the Senate:

I have the honor to nominate, and by and with the advice and consent of the Senate, appoint Rodney M. Stimson of Washington county, to be State Librarian for the period of two years from and after the 10th day of March, 1877.

Very respectfully,

THOS. L. YOUNG, *Governor.*

Referred to the committee on Library.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representa tives and read the first time.

H. B. No. 729—Mr. Myers—Defining the jurisdiction of the Probate Court of Ashland county in criminal cases.

H. B. No. 730—Mr. Monahan—To authorize the levy of taxes to rebuild or make repairs to County Infirmary or Children's Home buildings when loss by fire or other casualty is sustained.

H. B. No. 731—Mr. Haley—To amend section 2 of an act entitled "An act to authorize County Commissioners to locate and construct turnpike roads," passed April 30, 1869.

H. B. No. 732—Mr. Carnahan—For the relief of John Roinsburger.

H. B. No. 733—Mr. Lybarger—To authorize the Council of the incorporated village of Coshocton to transfer certain funds, therein named, to the cemetery fund of said village.

H. B. No. 734—Mr. Wiltsee—To amend section 3 of an act entitled "An act to provide for the safety of persons attending public assemblies," passed April 13, 1865. (S. & S., p. 636.)

H. B. No. 735—Mr. Bogardus—To create a special school district in the townships of Greenwich and Ripley, Huron county, Ohio.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has acceded to the request of the Sen for the return of—

H. B· No. 663—Mr. Huberich—To amend section 661 of an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869, and took effect July 1, 1869. (O. L., Vol. 66, p. 261.)

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 736—Mr. Swam—To fix the time for holding an additional term of the District Court in Union county.

H. B. No. 737—Mr. Sheets—Supplementary to an act entitled "An act to authorize the Trustees of Findlay township, Hancock county, Ohio, to levy a tax to macadamize and improve the roads and highways in said township," passed April 7, 1876. (Vol. 73, p. 283.)

Attest: WM. LEONARD, *Cler*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 738—Mr. Scheble—Authorizing the election of an additional Judge of the Court of Common Pleas in the third subdivision of the third judicial district of the State of Ohio.

H. B. No. 739—Mr. Bohl—To make silver coin a legal tender in the State of Ohio.

H. B. No. 740—Mr. Groom—To give greater security to preserve the purity of elections.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in the passage of—

S. B. No. 268—Mr. Spangler—To amend section 28 of an act entitled "An act to amend section 28 of an act relating to roads and highways," passed March 9, 1868 (S. & S., p. 668, as amended April 11, 1876. (O. L., Vol. 73, p. 185.)

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 449—Mr. Smith of Licking—To authorize the Auditor of Licking county, Ohio, to remit certain taxes on lot No. 166, in the village of Hebron in said county.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in Senate amendments to—

H. B. No. 577—Mr. Meuser—For the relief of Ellis Davis and the sureties on his official bond, and asks for a committee of Conference.

Attest: WM. LEONARD, *Clerk.*

The request of the Houses of Representatives was acceded to.

Messrs. Stickney, Brown of Lucas and Schenck were appointed as members of such committee on part of the Senate.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 194—Mr. Swan—Supplementary to the act entitled "An act to authorize the County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, passed March 29, 1867, (Swan & Sayler, 671), and the acts amendatory thereof and supplementary thereto—with the following amendments, in which the concurrence of the Senate is requested:

Insert in line 6, after the word "session," "at such time and place as the Auditor of the county in which the principal petitioners reside shall give notice to the Auditor of each of the counties in which petition has been filed."

Add after section 1: "Section 2—That any person or persons feeling aggrieved by any decision of the County Commissioners, made under section 6, to which this is supplementary, may appeal from said decision to the probate court of said county, and such proceedings shall there be had as are provided for appeals in section three of said act, and such orders and judgments be rendered as are there provided for, as the necessities of the case may require, upon the question of the public necessity of the contemplated construction or improvement, if that question has not already been tried before said court, and also upon the question of the amount of any assessments made against the appellant or appellants."

Change section two to section three.

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken, and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Kent, Kerr, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Rukenbrod, Stanton, Stickney, Stokes, Swan, Warnock and Williams—25.

So the amendments were concurred in.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 310—Mr. Johnston—Providing for the safe keeping of the evidence of title to lands acquired by the State, and prescribing the duties of the Auditor of State in relation thereto—with the following amendment, in which the concurrence of the Senate is requested:

Strike out the words "heretofore acquired," from the second line and insert "belonging to."

Attest: WM. LEONARD, *Clerk.*

The bill, with pending amendment, was laid on the table.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 99—Mr. Oglevee—Providing for the admission of James W. Christy into the Dayton Hospital for the Insane.

Attest: WM. LEONARD, *Clerk.*

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Ross, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Kent, Kerr, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Reese, Rukenbrod, Sheridan, Stanton, Stickney, Stokes, Swan, Warnock and Williams—26.

So the resolution was adopted.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 228—Mr. Brown of Ross—For the relief of Levi Pricer.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 267—Mr. Monahan—To create two election precincts in Milton township, Jackson county.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 557—Mr. Barrett—To inquire into the causes of and means of prevention and cure of diseased animals.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 673—Mr. Raudabaugh—To provide for the collection of delinquent personal taxes.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 741—Mr. Faxon—To authorize the Trustees of Ridgeville township, Lorain county, Ohio, to levy a tax to construct a vault or receptacle for the dead.

H. B. No. 742—Mr. Hodge—To regulate the liability of sidewalk proprietors, for damages done thereon, to persons and property.

H. B. No. 743—Mr. McLain—To create a Special School District in Mesopotamia township, Trumbull county.

H. B. No. 744—Mr. Ullery—To authorize the Commissioners of Miami county to levy a tax on certain townships and incorporated villages in said county, for the payment of certain indebtedness.

H. B. No. 745—Mr. Scheble—To change the time of holding the next term of the Court of Common Pleas in Paulding county.

H. B. No. 746—Mr. Messer—Supplementary to an act entitled an act for the incorporation of townships, passed March 16, 1853.

H. B. No. 747—Mr. Luccock—To create a special school district in Richland township, Guernsey county, Ohio.

H. B. No. 748—Mr. Goebel—To amend an act to authorize Township Trustees to levy a tax to purchase a site and erect a Township Hall thereon, passed May 6, 1869, (page 120, O. L. Vol. 66,) as amended April 18, 1874, (O. L. Vol. 73, p. 203.)

H. B. No. 749—Mr. Seifert—To provide for surveying, platting and recording certain lands in this State.

H. B. No. 750—Mr. Seifert—To authorize the Board of Public Works to construct a culvert under the Hocking Valley Canal, near Lancaster, Fairfield county.

H. B. No. 751—Mr. Eylar—To provide relief for J. W. Shinn, a contractor of Adams county.

H. B. No. 752—Mr. Cole—To authorize the Board of Education of Genoa, special school district of Ottawa county, to levy a tax to pay a judgment.

H. B. No. 753—Mr. Wales—To authorize Railway Companies to issue preferred stock.

H. B. No. 754—Mr. Bundy—To amend an act entitled an act to authorize Trustees of townships to appropriate lands for Cemetery purposes, passed and took effect April 3, 1867. (Swan & Sayler, p. 912.)

H. B. No. 755—Mr. Breck—To amend section 34 of an act to provide for the creation and regulation of incorporated companies in the State of Ohio. (S. & C. p. 295.)

H. B. No. 756—Mr. Breck—To authorize the Council of the incorporated village of Berea, Cuyahoga. State of Ohio, to transfer money from the general fund to the road fund, and for other purposes.

H. B. No. 757—Mr. Wales—For the relief of William Vanderon, Treasurer of Washington township, Warren county.

H. B. No. 758—Mr. Eylar—To amend section 1 of an act to authorize County Commissioners to locate and construct turnpike roads, passed April 30, 1869. (O. L. Vol. 66, p. 62.)

H. B. No. 759—Mr. Norton—To authorize the Council of the incorporated village of Fostoria, in Seneca county, Ohio, to borrow money to purchase a steam fire engine.

H. B. No. 760—Mr. McLain—To authorize the Trustees of Fowler township, Trumbull county, to transfer money therein named to the general township fund of said county.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 298—Mr. Sherrick—To amend section 4 of an act entitled an act relating to roads and highways, passed March 9, 1868. (S. & S., p. 662.)

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 659—Mr. Monahan—Authorizing the Council of the incorporated village of Nelsonville, Athens county, to transfer certain funds.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 274—Mr. Cowgill—To amend section 8 of an act entitled an act of the jurisdiction and procedure before Justices of the Peace, and of the duties of Constables in Civil Courts, passed March 24, 1853. (S. & C. vol. 1, p. 771.)

H. B. No. 586—Mr. Davies—Prescribing the rate of taxation for county, bridge, road and township purposes, and to repeal certain acts therein named.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 629—Mr. Messer—To extend the time for payment of school lands in section No. 16, in Waterville township, Lucas county, Ohio.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

H. B. No. 627—To authorize the creation of a special school district in the township of Dinsmore, Shelby county, Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Burress, Burrows, Curtiss, Ellis, Haines of Preble, Hudson, Kent, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Reese, Rukenbrod, Sheridan, Stanton, Stickney, Stokes, Swan, Warnock and Williams—24.

The bill passed. The title was agreed to.

S. B. No. 287—For the better management of Orphan Asylums.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Hudson, Kent, Kerr, Kleinschmidt, Knox, Lewis, Owens, Philson, Reese, Rukenbrod, Sheridan, Stanton, Stickney, Stokes, Swan, Warnock and Williams—24.

So the bill passed. The title was agreed to.

S. B. No. 304—Supplementary to "An act to provide for the sale of three several tracts of Moravian lands in the county of Tuscarawas," passed March 20, 1840. (Local Laws, volume 38, page 164).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Burns, Burress, Burrows, Curtiss, Ellis, Hudson, Kent, Kerr, Kleinschmidt, Knox, Lewis, Owens, Philson, Reese, Rukenbrod, Sheridan, Stickney, Warnock and Williams—21.

So the bill passed. The title was agreed to.

S. B. No. 339—To authorize the city council of the city of Akron, to levy a tax for certain purposes.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 24, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Hudson, Kent, Kerr, Kleinschmidt, Knox, Lewis, Owens, Philson, Reese, Rukenbrod, Sheridan, Stickney, Stokes, Swan, Warnock and Williams—24.

So the bill passed. The title was agreed to.

H. B. No. 570—To authorize the village council of the incorporated village of Wilmington, Clinton county, Ohio, to raise money to build a town hall and engine house.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 24, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews Ault, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Hudson, Kent, Kerr, Kleinschmidt, Knox, Lewis, Owens, Philson, Reese, Rukenbrod, Sheridan, Stickney, Stokes, Swan, Warnock and Williams—24.

So the bill passed. The title was agreed to.

S. B. No. 315—To divide the township of Perry, county of Columbiana, into two election precincts.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Kent, Kerr, Kleinschmidt, Knox, Owens, Philson, Reese, Rukenbrod, Sheridan, Stanton, Stickney, Stokes, Swan, Warnock and Williams—22.

So the bill passed. The title was agreed to.

S. B. No. 344—To authorize the School Board of New Philadelphia, Ohio, to issue bonds and build a new school house.

Was read the second time and referred to the committee on Common Schools.

Mr. Burress submitted the following report:

The standing committee on Railroads and Telegraphs to whom was referred S. B. No. 305—To amend section one of an act entitled "An act to authorize the consolidation of Railroad companies in this State, with railroad companies of States adjoining, in certain cases, and to authorize railroad companies in this State to extend their roads into adjoining States," passed April 10, 1856, and took effect May 1, 1856, (S. & C., 327), as the same was amended by the act of May 6, 1869, (66 O. L., 127), and also to amend section two of the aforesaid act, passed April 10, 1856—having had the same under consideration, report it back, with following amendment, and recommend its passage when so amended.

In line three, section two, strike out the word "consideration," and insert the word "consolidation."

R. Stanton, T. P. Brown,
M. Kent, E. T. Stickney,
N. P. Burress.

The amendment was agreed to.

The bill was ordered to be engrossed and read the third time Monday.

On motion of Mr. Warnock—H. B. No. 502—To amend section three of an act entitled "An act to authorize the Commissioners of the several counties in this State through which the National Road passes, to take under their care and control so much of the said road as lies within the limits of such counties respectively," passed April 6, 1876, and took effect May 15, 1876. (O. L. volume 73, page 105).

Was taken from the table and read the third time.

Mr. Knox moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section one, line fifteen, after the word "provided" insert the words "when the consent of the Congress of the United States shall have been obtained thereto."

Which was agreed to.

Mr. Knox was appointed such select committee.

Mr. Knox, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 502, with instructions to amend, reports the same back amended as instructed.

Samuel Knox.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 20, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Burns, Burress, Burrows, Curtiss, Ellis, Kent, Kleinschmidt, Knox, Lewis, Owens, Philson, Reese, Rukenbrod, Sheridan, Stanton, Stokes, Warnock and Williams—20.

So the bill passed. The title was agreed to.

The following bill was introduced, on leave, read the first time, and ordered to be printed in advance of other matter.

S. B. No. 350—Mr. Andrews—To authorize the Commissioners of Van Wert county to make a temporary loan.

Mr. Owens submitted the following report:

The standing committee on Judiciary, to whom was referred H, B. No. 579—To authorize the Board of County Commissioners of Delaware county, to levy a tax for the purpose of building a county jail in said county—having had the same under consideration, report it back, with following amendments, and recommend its passage when so amended.

After the word "authorized" in line three, section one, insert, "to construct and erect a jail at such place, at the county seat of said county, as in their judgment may be deemed best for the public good, at a cost not to exceed thirty thousand dollars, and for that purpose the said Board of County Commissioners of Delaware county, be, and they are hereby authorized."

Strike out all of section three.

JAMES W. OWENS, GEO. W. ANDREWS,
A. M. BURNS, W. R. WARNOCK,
N. P. BURRESS, C. J. SWAN.

The amendment was agreed to and ordered to be engrossed.

The bill was ordered to be read the third time Monday.

The following bills were introduced, on leave, and read the first time:

S. B. No. 351—Mr. Lewis—To require the township trustees of Fairfield township, in the county of Tuscarawas, to open a certain county road through said township.

S. B. No. 352—Mr. Warnock—To amend section four of an act entitled an act to amend the act entitled "An act for the regulation of turnpike companies." (Swan & Critchfield, page 337).

Mr. Williams submitted the following report:

The standing committee on Roads and Highways to whom was referred H. B. No. 657—Amendatory of an act entitled "An act to authorize the Commissioners of Hamilton and Clermont counties to build a bridge over the Little Miami river, (Ohio Laws, volume 73, page 286)—having had the same under consideration, report it back, and recommend its passage.

J. B. WILLIAMS, A. L. BROWN,
M. KENT, A. SPANGLER,
A. R. HAINES.

The bill was ordered to be read the third time Tuesday.

Mr. Brown, of Ross, submitted the following report:

The standing committee on Roads and Highways, to whom was referred H. B. No. 567—To amend sections two and three of an act entitled "An act to authorize the Commissioners of Scioto county to borrow money on the bonds of the county to discharge the existing liability of said county, now, in the shape of turnpike floating orders," passed April 11, 1876—having had the same under consideration, report it back, and recommend its passage.

A. L. BROWN, J. B. WILLIAMS,
A. R. HAINES, J. R. JOHNSTON,
M. KENT, A. SPANGLER.

The bill was ordered to be read the third time Monday.

Mr. Knox submitted the following report:

The standing committee on Finance to whom was referred H. B. No. 681—To authorize the council of the incorporated village of Bellefontaine to transfer the sum of three hundred dollars from the street fund

of said village to the police fund—having had the same under consideration, report it back, and recommend its passage.

SAMUEL KNOX, H. W. CURTISS,
ELIAS ELLIS, A. R. HAINES,
J. H. HUDSON.

The bill was ordered to be read the third time Monday.

Mr. Kleinschmidt submitted the following report:

The standing committee on Manufactures and Commerce, to whom was referred H. B. No. 303—To create a bureau of statistics of labor—having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended.

In section three line two, after the word "oath," insert "at some suitable place in the vicinity where such testimony is to be used."

At the end of section four add the following words:

"Not to exceed five hundred dollars per annum."

E. F. KLEINSCHMIDT, M. KENT,
H. W. CURTISS, J. H. HUDSON,
WM. W. BEATTY.

The amendment was agreed to and ordered to be engrossed.

The bill was ordered to be read the third time Tuesday.

The following bill was introduced, on leave, and read the first time:

S. B. No. 353—Mr. Swan—To amend section fifty-four of the code of civil procedure, passed March 11, and took effect June 1, 1853, (Swan & Critchfield, page 961).

Mr. Kessler submitted the following report:

The standing committee on Municipal Corporations to whom was referred S. B. No. 238—To create a Board of Trustees of the sinking fund in cities of the first-class having a population of one hundred and eighty thousand or over—having had the same under consideration, report it back, with following amendments, and recommend its passage when so amended.

In section one, line four, strike out the word "six" and insert "five."

In line five strike out the word "two" and insert "one."

In line six strike out the word "four" and insert "one."

In same line strike out the word "eight" and insert "two;" also strike out in same line the words "two" for "twelve," and insert "two" for "five."

In line seven strike out the word "twelve" and insert "three."

Amend section two by inserting before the first word of said section the following:

"Before any person appointed to said Commission shall assume the duties of said office, he shall take an oath or affirmation to honestly and faithfully administer the duties of said office, and shall give bond in the sum of one hundred thousand dollars, with not less than two sureties, faithfully to discharge his duties. Said Commissioners shall immediately after their appointment and qualification, organize by appointing one of their number as President. The Auditor of said city shall act as Secretary of said Commission, and shall receive as compensation for such extra services five hundred dollars per annum."

Strike out in line three, section two, the following words:

"They may appoint a," and all of line four, and the words, "hundred dollars per year" in line five.

In section six, line two, strike out the words "or in."

Strike out all of lines three and four, and the first ten words of line five, including the word "loaned."

H. KESSLER, A. M. BURNS,
T. P. BROWN, J. C. SCHENCK.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time Tuesday.

On motion of Mr. Ellis, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

MONDAY, MARCH 12, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. A. G. Byers.

The Journal was read and approved.

Mr. Owens submitted the following report:

The standing committee on Revision have examined and found correctly engrossed S. B. No. 305 and H. B. No. 579.

JAMES W. OWENS, J. C. SCHENCK,
WM. W. BEATTY, H. V. KERR.

Bills were read the second time and referred as follows:

H. B. No. 557—For the prevention and cure of diseased animals.

To the committee on Sanitary Laws and Regulations.

H. B. No. 673—To provide for the collection of delinquent personal taxes.

To the committee on Finance.

H. B. No. 274—To amend section 8, of an act entitled "An act of the jurisdiction and procedure before Justices of the Peace, and of the duties of Constables in civil courts," passed March 14, 1853, (S. & C., vol. 1, p. 771).

To the committee on Judiciary.

H. B. No. 586—Prescribing the rate of taxation for county, bridge, road and township purposes, and to repeal certain acts therein named.

To the committee on Roads and Highways.

H. B. No. 629—To extend the time for the payment of school lands in section number sixteen, in Waterville township, Lucas county, Ohio.

To committee on Finance.

S. B. No. 345—To amend section 2 of an act entitled "An act to amend an act entitled 'an act for the protection of railroads,' passed March 20, 1849," passed March 6, 1845, (S. & C., vol. 1, p. 420.)

To the committee on Railroads and Telegraphs.

S. B. No. 346—To amend section 70 of an act entitled "An act to establish a code of civil procedure," passed March 11, 1853, and amended April 3, 1862, (Swan & Sayler's, statutes, 543), as amended Februaay 11, 1874, (O. L., vol. 71, p. 4).

To the committee on Judiciary.

S. B. No. 347—To authorize the Commissioners of Jackson county to transfer certain funds to the poor funds of said county.

To the committee on Finance.

S. B. No. 348—To create a separate school district in Sandy township, Tuscarawas county.

To committee on Common Schools.

S. B. No. 305—To amend section 1 of an act entitled "An act to authorize the consolidation of railroad companies in this State, with railroad companies of States adjoining, in certain cases, and to authorize railroad companies in this State to extend their roads into adjoining States," passed April 10, 1856, and took effect May 1, 1856, (S. & C., 327), as the same was amended by the act of May 6, 1869, (66 O. L., 127), and also to amend section two of the aforesaid act, passed April 10, 1856.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Ross, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Ransom, Rukenbrod, Sheridan, Stanton, Swan and Williams—21.

So the bill passed.

The title was agreed to, after being amended so as to read as follows:

To amend an act entitled "An act to authorize the consolidation of railroad companies in this State, with railroad companies of States adjoining, in certain cases, and to authorize railroad companies in this State to extend their roads into adjoining States," passed April 10, 1856, and took effect May 1, 1856, (S. & C., 327), as the same was amended by the act of May 6, 1869, (66 O. L., 127,) and section two of the aforesaid act, passed April 10, 1856.

H. B. No. 579—To authorize the Board of County Commissioners of Delaware county to levy a tax for the purpose of building a county jail in said county.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Ross, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Ransom, Rukenbrod, Sheridan, Spangler, Swan, and Williams—22.

So the bill passed. The title was agreed to.

H. B. No. 567—To amend sections two and three of an act entitled "An act to authorize the commissioners of Scioto county to borrow money on the bonds of the county to discharge the existing liabilities of said county, now in the shape of turnpike floating orders; passed April 11, 1876.

Was read the third time and laid on the table.

H. B. No. 681—To authorize the council of the incorporated village of Bellefontaine to transfer the sum of three hundred dollars from the street fund of said village to the police fund.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 20, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Ross, Burrows, Curtiss, Ellis, Haines

of Carroll, Hudson, Kent, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Rukenbrod, Sheridan, Stanton, Swan and Williams—20.

So the bill passed. The title was agreed to.

On motion of Mr. Brown of Ross H. B. No. 567—To amend sections 2 and 3 of an act entitled "An act to authorize the County Commissioners of Scioto county to borrow money on the bonds of the county to discharge the existing liabilities of said county, now in the shape of turnpike floating orders, passed April 11, 1876—was taken from the table.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Ross, Burrows, Curtiss, Haines of Carroll, Hudson, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Ransom, Rukenbrod, Sheridan, Stanton, Swan and Williams—21.

The bill passed. The title was agreed to.

The following bills were introduced, on leave, and read the first time:

S. B. No. 354—Mr. Stanton—To create a special school district of certain territory in York township, Morgan county, and Bearfield township, Perry county.

S. B. No. 355—Mr. Hudson—Providing for the erection of a jail for the county of Erie.

Mr. Knox submitted the following report:

The standing committee on Finance, to whom was referred S. B. No. 334—To authorize the Commissioners of Tuscarawas county, Ohio, to make compensation to Geo. W. Ellis, as watch at the county jail of said county—having had the same under consideration, report it back and recommend its passage.

SAMUEL KNOX, A. R. HAINES,
H. W. CURTISS, R. STANTON,
ELIAS ELLIS.

The bill was ordered to be engrossed at the Clerk's desk and read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Ross, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Ransom, Rukenbrod, Sheridan, Stanton, Stokes, Swan and Williams—24.

The bill passed. The title was agreed to.

Mr. Miller submitted the following report:

The standing committee on municipal corporations, to whom was referred H. B. No. 600—To authorize the city council of the city of Columbus to levy a tax and build a police station—having had the same under consideration, report it back and recommend its passage.

WM. MILLER, J. C. SCHENCK,
H. KESSLER, R. E. REESE,
T. P. BROWN, JAMES W. OWENS,
A. M. BURNS.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Ross, Curtiss, Haines of Carroll, Haines of Preble, Hudson, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Philson, Ransom, Rukenbrod, Sheridan, Stanton, Stokes, Swan and Williams—21.

So the bill passed. The title was agreed to.

Mr. Spangler submitted the following report:

The standing committee on Roads and Highways, to whom was referred H. B. No. 409—To amend section 3 of an act further providing for coverting toll roads into free roads, passed May 3, 1873, (O. L., p. 255) —having had the same under consideration, report it back without recommendation.

A. Spangler, A. L. Brown,
J. R. Williams, A. R. Haines,
M. Kent.

The bill was ordered to be read the third time to-morrow.

The following bill was introduced, on leave, and read the first time:

S. B. No. 356—Mr. Andrews—To amend an act entitled "An act to amend an act entitled 'an act amendatory to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, passed April 18, 1856, passed April 14, 1870, passed March 15, 1875, (page 55, Laws of Ohio, 1875.)

On motion of Mr. Rukenbrod, the Senate took a recess.

THREE O'CLOCK P. M.

Mr. Knox submitted the following report:

The standing committee on State Buildings, to whom was referred H. B. No. 529—To amend section one of an act amendatory of an act entitled "An act to provide for the safety of persons attending public assemblies, passed April 13, 1865, amended May 12, 1868, (S. & S., p. 635) —having had the same under consideration, report it back, and recommend its passage.

Samuel Knox, W. H. Stokes,
C. J. Swan, H. W. Curtiss.

The bill was ordered to be read the third time.

The bill was read the third time.

Mr. Kent moved that the bill be laid on the table.

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Rukenbrod, Sheridan, Stokes, Swan, Warnock and Williams—22.

So the bill passed. The title was agreed to.

On motion of Mr. Andrews, S. B. No. 350—To authorize the Commissioners of Van Wert county to make a temporary loan.

Was read the second time.

The bill was ordered to be engrossed and read the third time to-morrow.

The following bill was introduced, on leave, and read the first time:

S. B. No. 357—Mr. Swan—To amend section 2 of an act entitled an "Act to provide for the creation and regulation of incorporated compapanies in the State of Ohio," passed May 1, 1852 (S. & C., Vol. 1, p. 271), as amended February 14, 1872 (Vol. 69, p. 14).

Mr. Knox submitted the following report:

The standing committee on Finance to whom was referred H. B. No. 722—To authorize the transfer of certain funds therein named now in the treasury of the city of Warren, Trumbull county, Ohio—having had the same under consideration, report it back and recommend its passage.

SAMUEL KNOX, A. R. HAINES,
H. W. CURTISS, R. STANTON,
JNO. H. HUDSON.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kent, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Rukenbrod,Sheridan, Stokes, Swan and Warnock—22.

So the bill passed. The title was agreed to.

Mr. Beatty submitted the following report:

The standing committee on Corporations other than Municipal, to whom was referred H. B. No. 394—To provide for the procurement of additional lands for cemetery purposes—having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

In section 1, line 5, strike out the words "or appropriate."

In lines 7 and 8 strike out the words "or appropriated."

W. R. WARNOCK, GEO. W. ANDREWS.
WM. W. BEATTY, R. STANTON.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

The following communication was received from the Governor:

MESSAGE FROM THE GOVERNOR.

STATE OF OHIO, EXECUTIVE DEPARTMENT.

COLUMBUS, 12TH DAY OF MARCH, 1877.

To the General Assembly:

I have the honor to transmit herewith a communication received from Hon. John Sherman, resigning the office of Senator of the United States from the State of Ohio, of which the following is a true copy:

UNITED STATES SENATE CHAMBER,
WASHINGTON, March 10, 1877.

Hon. Thos. L. Young, Governor of Ohio, Columbus:

MY DEAR SIR—I respectfully tender to you, and through you to the General Assembly of Ohio, my resignation as a Senator from that State.

Permit me in doing so to express my profound gratitude to the people of Ohio for their generous support and confidence during a period of twenty-two years of continuous service in Congress. I have held no position of trust and honor but what they have conferred, and no words can convey the sense of my obligation to them. I now accept from the President, with much hesitation, an office of great labor and care, solely from a sense of duty, with an earnest desire to promote the public policy announced by him, and with a hope that in so doing I may still preserve the good will of the people.

I am, with much respect, your obedient servant,

[Signed.] JOHN SHERMAN.

And respectfully request your attention thereto.

THOS. L. YOUNG. *Governor.*

The communication was referred to the committee on Privileges and Elections.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives requests the return of—

S. B. No. 268—Mr. Spangler—To amend section 28, of an act entitled "An act to amend section 28 of an act relating to roads and highways," passed March 9, 1868 (S. & S., p. 668), as amended April 11, 1876. (O. L., Vol. 73, p. 185.)

Attest: WM. LEONARD, *Clerk.*

The request of the House was acceded to, and a message was sent to that body returning said bill.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 761—Mr. Sage—To divide the township of Perry, Wood county, Ohio, into two election precincts.

H. B. No. 762—Mr. Fenton—To authorize the County Commissioners of Fulton county, Ohio, to levy a special tax to pay an existing indebtedness of the Infirmary of said Fulton county.

H. B. No. 763—Mr. Holloway—To amend section 1 of an act entitled an "Act providing for the creation of new buildings at the Ohio Penitentiary, and making partial appropriations for said institute for the year 1875." passed February 4, 1875 (O. L., Vol. 72, p. 26).

H. B. No. 764—Mr. Fenton—To repeal an act entitled an "Act to incorporate school district No. 1 in York and Clinton townships, Fulton county," (O. L., Vol. 49, p. 571.)

H. B. No. 765—Mr. Haley—To repeal section 6 of an act entitled an act supplementary to an act entitled an "Act for the assessment and taxation of property in this State, and for levying taxes thereon, according to its true value in money," passed and took effect May 1, 1862.

H. B. No. 766—Mr. Quinby—To amend, revise and consolidate the statutes relating to criminal procedure and to repeal certain acts.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 284—Mr. Stickney—To authorize the Common Council of the village of Attica, Seneca county, Ohio, to transfer money.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has concurred in the passage of—

S. B. No. 335—Mr. Warnock—To change the time for holding the second and third terms of the Court of Common Pleas in the counties of Miami and Champaign for the year 1877.

Attest: WM. LEONARD, *Clerk.*

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled the following bills and joint resolution:

S. J. R. No. 48—Relative to the printing and distribution of the reports of the Ohio Board of Centenniol Managers.

S. B. No: 228—For the relief of Levi Pricer.

S. B. No. 248—To amend section 9 of an act entitled an act supplementary to an act providing for the creation and regulation of incorporated companies as amended April 11, 1876. (O. L., p. 188.)

H. J. R. No. 99—Providing for the admission of James W. Christie into the Dayton Hospital for the Insane.

H. B. No. 497—To amend section 28 of an act to more effectually provide for locating, establishing and constructing ditches, drains and water courses in townships, and to repeal certain acts therein named, passed April 1, 1874. (O. L., Vol. 71, p. 124.)

H. B. No. 491—To amend section 53 of the act defining the civil jurisdiction of Justices of the Peace. (S. & C., 780.)

H. B. No. 601—To authorize the sale of certain lands therein named.

J. W. WASHBURN, THOS. S. LUCCOCK,
ASA TOBEREN, C. J. SWAN,
E. L. LYBARGER, E. C. LEWIS.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and joint resolution:

S. B. No. 228—Mr. Brown of Ross—For the relief of Levi Pricer.

S. B. No. 248—Mr. Warnock—To amend section 9 of an act entitled an act supplementary to an act entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio,"

passed May 1, 1852; passed April 15, 1876, (S. & S., 186), as amended February 25, 1869, (O. L., Vol. 66, p. 14); as amended April 20, 1874, (O. L., Vol. 71, p. 161); as amended April 11, 1876, (O. L., Vol. 73, p. 188).

H. J. R. No. 99—Mr. Oglevee—Providing for the admission of James W. Christie to the Dayton Hospital for the Insane.

Attest: WM. LEONARD, *Clerk.*

The President, in the presence of the Senate, signed said bills and joint resolution.

Mr. Burns, on leave, presented the petition of G. M. Souers and 15 other citizens of Lexington, Richland county, praying for the passage of an act transferring funds therein named.

Which was referred to the committee on Municipal Corporations.

Mr. Burns, on leave, presented the petition of J. H. Scott and 19 other citizens of Sandusky township, Richland county, Ohio, praying for the creation of a special school district in said township.

Which was referred to the committee on Common Schools and School Lands.

The following bill was introduced, on leave, and read the first time:

S. B. No. 358—Mr. Burns—To authorize the transfer of certain funds therein named now in the treasury of the incorporated village ef Lexington, Richland county.

On motion of Mr. Swan, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

TUESDAY, MARCH 13, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

Mr. Johnston presented the petition of W. L. Brown, S. C. Rook, H. M. Thullen, and fifty-three other members of the Youngstown Light Artillery, asking for an appropriation to repair the armory at the city of Youngstown.

Which was referred to the committee on Finance.

Mr. Lewis presented the petition of Henry Anderman, and 100 other citizens of Tuscarawas county, praying for the passage of a bill requiring trustees of Fairfield township, Tuscarawas county, to levy a tax and open a certain road described in said petition.

Which was referred to the committee on Roads and Highways.

S. B. No. 349—For the relief of Peter Weikert.

Was read the second time, and referred to the committee on Municipal Corporations.

H. B. No. 657—Amendatory of an act entitled "An act to authorize the Commissioners of Hamilton and Clermont counties to build a bridge over the Little Miami river." (Ohio Laws, volume 73, page 286.)

Was read the third time, and the further consideration thereof was postponed until Friday.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly

engrossed, Senate Bills Nos. 238, and 350; also, House Bills Nos. 303 and 394.

WM. W. BEATTY, J. C. SCHENCK,
JAMES W. OWENS.

On motion of Mr. Andrews, the further consideration of H. B. No. 206—To provide for the incorporation of mechanics' associations—was postponed until Thursday.

H. B. No. 303—To create a bureau of statistics of labor.

Was read the third time.

The further consideration of said bill was postponed until Tuesday.

S. B. No. 238—To create a board of trustees of the sinking fund in cities of the first-class having a population of 180,000 or over.

Was read the third time and laid upon the table.

The President announced that the hour fixed for the further consideration of the contested election case of Cox *vs.* Harmon had arrived, and that the Senate would proceed in the further hearing of said case.

On motion of Mr. Burns, the case was adjourned until 3 o'clock P. M. to-day.

S. B. No. 296—Supplementary and amendatory of the act entitled "An act to ameud sections 2, 4 and 24 of an act entitled 'an act to preserve the purity of elections,'" passed March 20, 184[illegible], (Swan & Critchfield, 543, 544, 547), as amended by the acts of April 15, 1857, (volume 54, Ohio Laws, 136), May 30, 1864, (volume 61, Ohio Laws, 83), and April 15, 1867, (volume 64, Ohio Laws, 151), and to repeal the acts amendatory thereof and supplementary thereto, passed February 15, 1861, (volume 58, Ohio Laws, 17), May 30, 1864, (volume 61, Ohio Laws, 83,) April 15, 1867, (volume 64, Ohio Laws, 151), and April 16, 1867, (volume 64, Ohio Laws, 228, 229) as ameuded April 17, 1868, (Swan & Sayler, 340.)

The special order for this hour was taken up for further consideration.

Mr. Rukenbrod moved that the bill be referred to a select committee of one with instructions to amend as follows:

In section 3, line 3, strike out all after the word "the," and insert the following: "Mayor's office, or usual place of holding elections."

Which was agreed to.

Mr. Rukenbrod was appointed such select committee.

Mr. Rukenbrod, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 296, with instructions to amend, reports the same back amended as instructed.

J. K. RUKENBROD.

The further consideration of said bill was postponed until 10½ o'clock A. M., Thursday, and made the special order for that hour.

H. B. No. 409—To amend section three of an act further providing for converting toll roads into free roads, passed May 3, 1873. (Ohio Laws, page 256.)

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 21, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kessler, Knox, Lewis, Miller, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Stickney and Warnock—21.

Those who voted in the negative were—

Messrs. Ault, Beatty, Brown of Lucas, Brown of Ross, Kleinschmidt and Owens—6.

So the bill passed. The title was agreed to.

S. B. No. 350—To authorize the Commissioners of Van Wert county to make a temporary loan.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Rukenbrod, Schenck, Sheridan, Stickney, Stokes, Swan and Warnock—25.

So the bill passed. The title was agreed to.

H. B. No. 394—To provide for the procurement of additional lands for cemetery purposes.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Stanton, Stokes, and Warnock—28.

So the bill passed. The title was agreed to.

Mr. Knox submitted the following report:

The standing committee on Common Schools, to whom was referred S. B. No. 344—To authorize the School Board of New Pniladelphia, Ohio, to issue bonds and build a new school house—having had the same under consideration, report it back and recommend its passage.

SAMUEL KNOX, W. R. WARNOCK,
JAMES W. OWENS, WM. SHERIDAN, JR.,
E. P. RANSOM, E. T. STICKNEY,
S. S. BURROWS.

The bill was ordered to be read the third time.

The bill was read the third time.

Mr. Lewis moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section 2, line 6, after the words "per annum," insert the words "payable annually."

Which was agreed to.

Mr. Lewis was appointed such select committee.

Mr. Lewis, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 224, with instructions to amend, reports the same back amended as instructed.

E. C. LEWIS.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom,

Rukenbrod, Schenck, Sheridan, Stanton, Stickney, Swan and Warnock —27.

So the bill passed. The title was agreed to.

The following bill was introduced, on leave, and read the first time:

S. B. No. 359—Mr. Kent—To amend an act amendatory to an act entitled "An act for the organization of common schools," passed March 1, 1873, (O. L., vol. 72, page 45.)

Mr. Warnock submitted the following report:

The standing committee on Common Schools, to whom was referred H. B. No. 226—To amend sections 18, 19 and 20 of an act entitled "An act for the re-organization and maintenance of common schools," (O. L., vol. 70, 1873, pp. 198 and 199—having had the same under consideration, report it back and recommend its indefinite postponement

W. R. Warnock, E. P. Ransom,
S. S. Burrows, Samuel Knox.

The question being on the indefinite postponement of said bill, the yeas and nays were demanded, taken, and resulted—yeas 20, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Lucas, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Johnston, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Swan and Warnock—20.

Those who voted in the negative were—

Messrs. Hudson, Lewis, Monahan, Owens, Stickney and Stokes—6.

So the bill was indefinitely postponed.

Mr. Ault submitted the following report:

The standing committee on Railroads and Telegraphs to whom was referred S. B. No. 345—To amend section two of an act entitled "An act to amend an act entitled 'an act for the protection of railroads,' passed March 20, 1849;" passed March 6, 1845, (S. & C., vol. 1, p. 420)—having had the same under consideration, report it back and recommend its passage.

John Ault, R. Stanton,
M. Kent, E. T. Stickney.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Warnock submitted the following report:

The standing committee on Corporations other than Municipal to whom was referred H. B. No. 514—To authorize the votes of stock holders of certain incorporated companies to be cast by proxy—having had the same under consideration, report it back and recommend its passage.

W. R. Warnock, Wm. W. Beatty,
R. Stanton, Geo. W. Andrews.

The bill was ordered to be read the third time to-morrow.

Mr. Warnock submitted the following report:

The standing committee on Corporations other than Municipal to whom was referred H. B. No. 588—To provide for the incorporation of farm laborers' Associations, having had the same under consideration, report it back and recommend its passage.

W. R. Warnock, Wm. W. Beatty,
Geo. W. Andrews. J. R. Johnston.

The bill was ordered to be read the third time to-morrow.

Mr. Ransom submitted the following report:

The standing committee on Common Schools, to whom was referred S. B. No. 340—To create a sub-school district in Dover township, Tuscarawas county, out of territory within the Dover Union School District in said county, having had the same under consideration, report it back and recommend its passage.

E. P. Ransom, Wm. Sheridan, Jr.
W. R. Warnock, Samuel Knox,
E. T. Stickney.

The bill was ordered to be read the third time Thursday.

Mr. Ransom submitted the following report:

The standing committee on Common Schools to whom was referred S. B. No. 348—To create a separate school district in Sandy township, Tuscarawas county, having had the same under consideration, report it back, with following amendments, and recommend its passage when so amended:

Strike out the word "separate" in title and insert "special."

Strike out the word "separate" in line 18 and insert "special."

Strike out the word "separate" in line 20 and insert "special."

E. P. Ransom, S. S. Burrows,
Samuel Knox, W. R. Warnock,
Wm. Sheridan, Jr., E. T. Stickney.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Burress submitted the following report:

The standing committee on Railroads and Telegraphs, to whom was referred S. B. No. 307—To regulate the speed of Railroad Locomotives and Cars within the corporate limits of any city, town or village, having had the same under consideration, report it back, with following amendments, and recommend its passage when so amended.

In section 1, line 10, strike out all after the word "provided" to and including the word "hour" in line 12, and insert in lieu thereof the following:

"In no event shall the rate fixed be less than four miles per hour, and in villages having a population of two thousand or less, it shall not be less than eight miles per hour."

E. T. Stickney, M. Kent,
John Ault, N. P. Burress.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Knox submitted the following report:

The standing committee on Common Schools to whom was referred H. B. No. 644—To authorize the Board of Education of Perry township Lawrence county, to levy a tax to pay the indebtedness of said township incurred in the erection of school houses, having had the same under consideration, report it back and recommend its passage.

Samuel Knox, W. R. Warnock,
James W. Owens, W. Sheridan, Jr.,
E. P. Ransom, E. T. Stickney,
S. S. Burrows.

The bill was ordered to be read the third time to-morrow.

Mr. Johnston submitted the following report:

The standing committee on Privileges and Elections, to whom was referred the communication from the Governor, relative to the resignation of John Sherman, United States Senator, having had the same under consideration, report it back and recommend the adoption of the joint resolution herewith submitted and made a part of this report.

J. R. Johnston, M. Kent,
John Ault, H. Kessler.

S. J. R. No. 53—Mr. Johnston—*Resolved by the General Assembly of the State of Ohio*, That on Tuesday, March 20, 1877, at 12 o'clock M. of said day, we proceed in accordance with law to the election of a United States Senator, to fill the vacancy occasioned by the resignation of John Sherman.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Haines of Preble, Hudson, Johnston, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Stanton, Stickney, Stokes, Swan and Warnock —27.

So the resolution was adopted.

Mr. Stickney submitted the following report:

The standing committee on Railroads and Telegraphs to whom was referred S. B. No. 299—To amend section 8 of an act entitled an act to prevent cruelty to animals, and to provide for the organization of Associations or Societies for prevention of cruelty to animals, and to repeal certain acts therein named, (O. L. Vol. 72. p. 130,) having had the same under consideration report it back and recommend its passage.

E. T. Stickney, N. P. Burress,
T. P. Brown, M. Kent,
John Ault.

The bill was ordered to be engrossed and read the third time Thursday.

Mr. Schenck submitted the following report:

The standing committee on Benevolent Institutions, to whom was referred H. B. No. 634—To provide for the payment of the contractors for construction of the stone masonry, cut stone and brick work of the Columbus Hospital for Insane, having had the same under consideration, report it back and recommend its passage.

J. C. Schenck, J. R. Philson,
J. K. Rukenbrod, E. T. Stickney,
E. P. Ransom, E. C. Lewis.

The bill was made the special order for 10:30 o'clock A. M. to-morrow.

Mr. Brown of Lucas, submitted the following report:

The committee on Insurance to whom was referred H. B. No. 440—To incorporate Associations for the mutual protection of its members against

loss by fire, having had the same under consideration, report it back and recommend its passage.

T. P. Brown H. Kessler,
A. M. Burns, J. C. Schenck,
N. P. Burress, J. B. Williams,
E. T. Stickney.

The bill was ordered to be read the third time to-morrow.

Mr. Brown of Lucas, submitted the following report:

The standing committee on Municipal Corporations to whom was referred S. B. No. 332—Supplementary to an act entitled an act to amend sections 97, 643, 649, 650, and 656, of an act entitled an act to provide for the organization and government of Municipal Corporations, passed May 7, 1869, (vol. 66, p. 165,) and section 663 of said act, as amended April 18, 1870, (vol. 67, p. 85,) passed April 8, 1876, (vol. 73, p. 125,) having had the same under consideration report it back, with following amendments and recommend its passage when so amended.

In section one, line 9, after the word "city" insert the following:

"Of the first class, having been advanced to that grade between decennial periods.

T. P. Brown, H. Kessler,
J. C. Schenck, James W. Owens.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Andrews submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 574—To create the office of Court Interpreter in certain judicial districts—having had the same under consideration, report it back with following amendment, and recommend its passage when so amended:

Add an additional section as follows:

Sec. 5th—The Clerk of the Court in any county having such interpreter, shall tax in the cost bill in every case, to be collected as other costs, the sum of three dollars per day for the services of such interpreter when his services are required, and the said fees shall be paid into the County Treasury to the credit of the county fund.

Change number of last section to section 6.

Geo. W. Andrews, W. R. Warnock,
N. P. Burress, C. J. Swan.

The amendments were agreed to.

The bill was ordered to be read the third time to-morrow.

Mr. Andrews submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 280—To amend section 4 of an act entitled an "Act to provide for the partition of real estate," passed February 17, 1831, and took effect June 1, 1831—having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

In 12th line, section 4, strike out "to be selected by said Sheriff," and insert "to be appointed by the court."

Insert after the word "ordered" in line 14, section 4, "and the said

Sheriff shall be authorized to fill any vacancy of the commissioners so appointed by the court that may occur."

C. J. Swan, James W. Owens,
Geo. W. Andrews, A. M. Burns.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Owens submitted the following report:

The standing committee on Common Schools, to whom was referred H. B. No. 543—To authorize the creation of a special school district in Pittsfield township, Lorain county—having had the same under consideration, report it back and recommend its passage.

E. P. Ransom, James W. Owens,
Wm. Sheridan, Jr., W. R. Warnock,
Samuel Knox.

The bill was ordered to be read the third time to-morrow.

The following bill was introduced, on leave, and read the first time:

S. B. No. 360—Mr. Haines of Carroll—Supplementary to an act to amend section 3 of an act entitled "An act to restrain dogs from running at large at night, and for the protection of sheep," passed March 24, 1863, passed April 4, 1866, passed March 13, 1868. (S. & S., p. 111.)

Mr. Burns submitted the following report:

The committee on Municipal Corporations to whom was referred S. B. No. 338—To amend an act entitled "An act to authorize the Commissioners of Seneca county to build a jail and issue bonds therefor," passed April 3, 1876—having had the same under consideration, report it back and recommend its passage.

R. E. Reese, J. C. Schenck,
H. Kessler, Wm. Miller,
T. P. Brown, A. M. Burns.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Monahan, on leave, offered the following joint resolution:

S. J. R. No. 54— Whereas, The private passage from the Senate Chamber to the Legislative Hall is circuitous and inconvenient, therefore be it—

Resolved by the General Assembly of the State of Ohio, That a committee consisting of one from the Senate and five from the House be appointed to ascertain and determine the propriety, expediency and necessity of opening up and constructing a passage leading directly from the Senate Chamber to the said Legislative Hall and the probable cost thereof.

On motion of Mr. Johnston the resolution was laid on the table.

On motion of Mr. Kent the Senate took a recess.

THREE O'CLOCK P. M.

A message was received from the Governor, read at the clerk's desk and, on motion of Mr. Andrews, referred to a select committee of five.

The President appointed as such select committee Messrs. Andrews, Knox, Bates. Brown of Lucas and Hudson.

The hour fixed for the further consideration of the contested election

case of Cox *vs.* Harmon having arrived, the counsel for the contestee presented their objections to testimony as follows:

On page 49 of printed testimony, to an answer of R. S. Crumpton to the 3rd question of counsel on said page; To an answer of L. C. Weir to the 5th question of counsel (page 53); To an answer of Luke Brannan to the 1st question on page 57; To an answer of William Brockman to the 10th question on page 74; To an answer of George W. Ryan to the 7th question on page 98th, and to 10th question on page 100, To answers of Ephraim Holland to 15th question on page 115; 1st question on page 116; 8th question on page 116, and 16th question on same page (116).

Said objections being made to said questions and answers, on the ground that they presented testimony wholly "hearsay."

Mr. Johnston offered the following resolution:

S. R. No. 93—*Resolved*, That the further hearing of the contested election case of Cox *vs.* Harmon be adjourned until 10:30 o'clock A. M. to-morrow.

Mr. Stanton moved to amend the resolution by striking out "10:30 o'clock A. M." and inserting in lieu thereof "3 o'clock P. M."

Which was agreed to.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 27, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Philson, Ransom, Reese, Schenck, Sheridan, Spangler, Stanton, Stickney, Swan and Warnock—27.

Those who voted in the negative were—

Messrs. Burns, Miller, Monahan, Rukenbrod and Stokes—5.

So the resolution was adopted and the case so adjourned.

On motion of Mr. Knox the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

WEDNESDAY, MARCH 14, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

Mr. Bates offered the following resolution:

S. R. No. 94—*Resolved*, That the Senate now elect a President *pro tempore* to preside over the Senate during any absence of the President or his inability to preside.

So the resolution was adopted.

Mr. Bates nominated for said office Samuel Knox, Senator from Harrison county, which nomination was seconded by Mr. Johnston.

Mr. Lewis nominated for said office James W. Owens, Senator from Licking county, which nomination was seconded by Mr. Stokes.

Those who voted for Mr. Knox were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—19.

Those who voted for Mr. Owens were—

Messrs. Andrews, Ault, Burress, Ellis, Haines of Carroll, Hudson,

Kerr, Lewis, Miller, Monahan, Reese, Sheridan, Stickney, Stokes, and Williams—15.

So Mr. Knox was declared duly elected to said office.

On motion of Mr. Burrows, the Sergeant-at-Arms was dispatched for one of the Justices of the Supreme Court.

The Senators from Licking, Mr. Owens, and from Ashtabula, Mr. Burrows, were appointed by Mr. Stanton, occupying the chair, as a select committee to wait upon the President *pro tem.* elect and inform him of his election.

Mr. Knox, escorted by the select committee, was conducted to the chair, and having taken an oath to support the Constitution of the United States, the Constitution of the State of Ohio also, an oath of office administered by Chief Justice Welch, proceeded to the discharge of his duties as President *pro tem* of the Senate.

Mr. Lewis presented the petition of John Wark and eighty other citizens of Tuscarawas county, requiring the trustees of Fairfield township to open and make passable for public travel a certain road described in said petition.

Which was referred to the committee on Roads and Highways.

Mr. Warnock presented the petition of W. H. Baxter and many other citizens of Champaign county, asking that all legalized schools of medicine shall be equally represented in appointments of physicians to State institutions.

Which was referred to the Committee on Sanitary Laws and Regulations.

H. B. No. 634—To provide for the payment of the contractors for construction of the stone masonry, cut stone and brick work for the Columbus Hospital for Insane.

Special order for this hour was taken up for further consideration.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 30, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Stanton, Stickney, Stokes, Swan and Williams—30.

Messrs. Brown of Lucas, and Warnock voted in the negative—2.

So the bill passed. The title was agreed to.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed S. B.'s No.'s 280, 332, 345, 307, 348, 338 and H. B. No. 574.

WM. W. BEATTY, JAMES W. OWENS,
H. V. KERR, J. C. SCHENCK.

Bills were read the second time and referred as follows:

S. B. No. 351—To requiae the Township Trustees of Fairfield township, in the county of Tuscarawas, to open up a certain county road through said township.

Referred to the committee on Roads and Highways.

S. B. No. 352—To amend section 4 of an act entitled an act to amend the act entitled "An act for the regulation of turnpike companies." (S. & C., p. 337.)

Referred to the committee on Roads and Highways.

S. B. No. 353—To amend section 54 of the code of civil procedure, passed March 11, and took effect June 1, 1853. (S. & C., p. 961.)

Referred to the committee on Judiciary. .

On motion of Mr. Kessler S. B. No. 238, to create a Board of Trustees of the sinking fund in cities of the first class having a population of 180,000 or over, was taken from the table.

Mr. Bates moved that the bill be referred to a select committee of one with instructions to amend as follows:

Insert in the 5th line of 1st section before the word "superior" the words "Judge of the."

Which was agreed to.

Mr. Bates was appointed as such select committee.

Mr. Bates, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 238, with instructions to amend, reports the same back amended as instructed.

J. H. Bates.

Mr. Monahan moved that the bill be referred to a select committee of one with instructions to amend as follows:

In section 1, line 5, strike out the words "Judges of the Superior Court" and insert "Mayor."

On which motion the yeas and nays were demanded, taken and resulted—yeas 1, nays 24, as follows:

Mr. Monahan voted in the affirmative—1.

Those who voted in the negative were—

Messrs. Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stickney, Swan and Warnock—24.

So the motion was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 28, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Brown of Ross, Burns, Burress, Curtiss, Haines of Carrol, Haines of Preble, Hudson, Kent, Kessler, Kleinschmidt, Knox, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Swan, Warnock and Williams—28.

Mr. Lewis voted in the negative—1.

So the bill passed. The title was agreed to.

On motion of Mr. Ransom S. B. No. 254, to authorize the formation of companies for dealing in real estate, etc., was taken from the table.

The report of the committee recommending the indefinite postponement of the bill was disagreed to.

The bill was read the third time and laid on the table.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has concurred in the passage of—

S. B. No. 260—Mr. Ransom—To amend sections one, two, four, five, seven, eight, nine, ten, eleven, twelve, fourteen, sixteen and seventeen of an act entitled "An act to regulate the police force in cities of the

first-class, and to repeal an act passed December 18, 1874. entitled 'An act for the better regulation of the police force in cities of the first-class having a population of two hundred thousand or over,' and to repeal an act entitled 'An act to establish a Board of Police Commissioners in certain cities of the first-class,'" passed March 29, 1873, (Ohio Laws, volume 72, page 51); passed March 24, 1876, (Ohio Laws, volume 76, page 70) and supplementary thereto.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 344—Mr. Lewis—To authorize the School Board of New Philadelphia, Ohio, to issue bonds and build a new school house.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 209—Mr. Swan—To provide for the straightening, cleaning out, widening, deepening and otherwise improving water courses in the counties of Henry and Wood in the State of Ohio.

Attest: WM. LEONARD, *Clerk.*

On motion of Mr. Burrows, the Senate took a recess.

THREE O'CLOCK P. M.

On demand of Mr. Andrews, a call of the Senate was had.

Thirty four Senators answered to their names.

Messrs. Haines of Preble, Reese and Williams were absent.

On motion of Mr. Johnston, all further proceedings under the call were dispensed with.

The contested election case of Cox *vs.* Harmon, the special order for this hour, was taken up for further consideration.

The President stated that the question as to the relevancy or competence of certain testimony objected to by counsel for contestee, would be submitted to the Senate *seriatim.*

The question being, "Shall the objection to the 6th answer of L. C. Weir, on page 53 (printed testimony) be sustained?" the yeas and nays were taken, and resulted—yeas 15, nays 18, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Burress, Burrows, Ellis, Haines of Carroll, Hudson, Lewis, Miller, Owens, Reese, Sheridan, Stanton, Stickney and Stokes—15.

Those who voted in the negative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Johnston, Kent, Kessler, Kleinschmidt, Knox, Monahan, Philson, Ransom, Rukenbrod, Schenck, Spangler, Swan and Warnock—18.

So said objection was not sustained.

The question being, "Shall the objection to the answer of Luke Brannan, found on page 57, be sustained?" the yeas and nays were taken, and resulted—yeas 3, nays 17, as follows:

Those who voted in the affirmative were—

Messrs. Burrows, Kerr and Stanton—3.

Those who voted in the negative were—

Messrs.Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Spangler, Swan and Warnock—17.

So the objection was not sustained.

The question being, "Shall the objection to the latter part of said answer on page 74, by William Brockman, be sustained?" the yeas and nays were taken, and resulted—yeas 12, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Burrows, Johnston, Monahan, Rukenbrod, Schenck, Stanton, Stickney, Stokes, Swan and Warnock—12.

Those who voted in the negative were—

Messrs. Brown of Lucas, Burns, Knox, Ransom and Spangler—5.

So the objection was sustained.

The question being, "Shall the objection to the answer to 7th question on page 98, by G. W. Ryan, be sustained?" the yeas and nays were taken, and resulted—yeas 5, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Burrows, Kerr, Stanton and Stickney—5.

Those who voted in the negative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Johnston, Kent, Kessler, Knox, Philson, Rukenbrod, Schenck, Spangler, Swan and Warnock—14.

So the objection was not sustained.

The question being, "Shall the objection to the answer to 10th question on page 100, by G. W. Ryan, be sustained?" the yeas and nays were taken and resulted—yeas 1, nays 16, as follows:

Mr. Monahan voted in the affirmative—1.

Those who voted in the negative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Johnston, Kent, Kessler, Kleinschmidt, Knox, Ransom, Rukenbrod, Spangler, Swan and Warnock—16.

So the objection was not sustained.

The question being, "Shall the objection to answer to 15th question on page 115, by Ephriam Holland, be sustained?" the yeas and nays were taken, and resulted—yeas 3, nays 13, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Burrows and Ransom—3.

Those who voted in the negative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Johnston, Kessler, Kleinschmidt, Knox, Rukenbrod, Schenck, Spangler, Swan and Warnock—13.

So the objection was not sustained.

The question being, "Shall the objection to the answer to 1st question on page 116, by Ephriam Holland, be sustained?" the yeas and nays were taken, and resulted—yeas 3, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Brown of Lucas and Burrows—3.

Those who voted in the negative were—

Messrs. Brown of Ross, Burns, Johnston, Kent, Kessler, Kleinschmidt, Knox, Rukenbrod, Schenck, Spangler, Swan and Warnock—12.

So the objection was not sustained.

The question being, "Shall the objection to 8th and 9th answers on page 116, by Ephriam Holland, be sustained?" the yeas and nays were taken, and resulted—Yeas none, nays 14, as follows:

Those who voted in the negative were—

Messrs. Bates, Brown of Lucas, Burns, Johnston, Kent, Kessler, Kleinschmidt, Knox, Ransom, Rukenbrod, Schenck, Spangler, Swan and Warnock—14.

So the objections were not sustained.

The question being "Shall the objection to answer to 16th question on page 116, by Ephriam Holland, be sustained?" the yeas and nays were taken, and resulted—yeas 3, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Burrows and Johnston—3.

Those who voted in the negative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Kent, Kessler, Kleinschmidt, Knox, Ransom, Rukenbrod, Schenck, Spangler, Swan and Warnock—14.

So the objection was not sustained.

The objections raised by counsel, to the testimony, having been disposed of, the counsel for the contestant, proceeded to the discussion of the case.

After some time spent in said argument, Mr. Johnston moved that the further consideration of said case be adjourned until 10½ o'clock a. m. to-morrow.

On which motion the yeas and nays were taken, and resulted—yeas 24, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Ross, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Williams—24.

Those who voted in the negative were—

Messrs. Beatty and Monahan—2.

So the motion was agreed to, and the case was so adjourned.

On motion of Mr. Johnston S. B. No. 310—Providing for the safe keeping of the evidence of title to lands acquired by the State, and prescribing the duties of the Auditor of State in relation thereto—was taken from the table.

The question being on concurring in House amendments to said bill, the yeas and nays were taken and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Ross, Burns, Burress, Burrows, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Swan and Williams—24.

So the amendments were concurred in.

On motion of Mr. Johnston, S. B. No. 38—To provide means for defense of persons accused of crime unable to employ counsel—was taken from the table.

The question being on concurring in House amendments to said bill—

On motion of Mr. Burns, the Senate took a recess until 10 o'clock A. M., to-morrow.

THURSDAY, MARCH 15, 1877—10 o'clock A. M.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 683—Mr. Hodge—Regarding the maintenance and repair of streets, alleys, etc., in cities of the first-class having a population of more than ninety thousand and less than one hundred and fifty thousand inhabitants at the last Federal census.

H. B. No. 219—Mr. Bard—To amend section eighty-two of an act entitled "An act to provide for the organization and government of municipal corporations," passed may 7, 1869, passed February 10, 1870, (O. L., vol. 67, p. 7), and to repeal an act to extend the provisions of said act of February 10, 1870, passed March 30, 1874, (O. L., vol. 71, p. 49).

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

The question recurring on concurring in House amendment to S. B. No. 38.

Mr. Miller moved that the further consideration of the bill be postponed until Tuesday, March 20.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 19, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Burrows, Ellis, Haines of Carroll, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Stickney and Williams—19.

Those who voted in the negative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Burns, Burress, Curtiss, Hudson, Johnston, Owens and Swan—11.

So the motion was agreed to, and the bill so postponed.

S. B. No. 296—Supplementary and amendatory of the act entitled "An act to amend sections 2, 4 and 24 of an act entitled 'an act to preserve the purity of elections,'" passed March 20, 1841, (S. & C., 543, 544, 547), as amended by the acts of April 15, 1857, (vol. 54, O. L., 136), May 30, 1864, (vol. 61, O. L., 83), and April 15, 1867, (vol. 64, O. L., 151), and to repeal the acts amendatory thereof and supplementary thereto, passed February 15, 1861, (vol. 58, O. L., 17), May 30, 1864, (vol. 61, O. L., 83), April 15, 1867, (vol. 64, O. L., 151), and April 16, 1867, (vol. 64, O. L., 228, 229), as amended April 17, 1868, (S. & S., 340)—the special order for this hour, was taken up and made the special order for 10½ o'clock a. m., to-morrow.

The contested election case of Cox *vs.* Harmon, the special order for this hour, was taken up for further consideration.

On demand of Mr. Andrews a call of the Senate was had.

Thirty-three Senators answered to their names.

Messrs. Burress, Ellis, Reese and Warnock were absent.

All further proceedings under the call were dispensed with.

Counsel for contestee proceeded with the argument in the case.

On motion of Mr. Burrows further consideration of the case was postponed until three o'clock P. M.

On motion of Mr. Burrows the Senate took a recess.

THREE O'CLOCK P. M.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled, the following bills:

S. B. No. 344—To authorize the School Board of New Philadelphia to issue bonds and build a new school house.

H. B. No. 634—To provide for the payment of the contractors for construction of the stone masonry, cut stone and brick work of the Columbus Hospital for the Insane.

E. L. Lybarger, J. W. Washburn,
Thos. S. Luccock, C. J. Swan,
T. P. Brown.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 634—Finance Committee—To provide for the payment of the contractors for construction of the stone masonry, cut stone and brick work of the Columbus Hospital for the Insane.

S. B. No. 344—Mr. Lewis—To authorize the School Board of New Philadelphia, Ohio, to issue bonds and build a new school house.

Attest: Wm. Leonard, *Clerk.*

The President, in the presence of the Senate, signed said bills.

The following bills were introduced, on leave, and read the first time:

S. B. No. 361—Mr. Bates—To amend section three of "An act to provide for the equalization of the valuation of bank shares for taxation," passed April 12, 1876, (O. L. volume 73, page 251).

S. B. No. 362—Mr. Curtiss—Amendatory of and supplementary to an act to enable the Trustees of religious denominations to become incorporated and defining their powers, passed April 20, 1874.

The contested election case of Cox *vs.* Harmon was taken up for further consideration.

Counsel for contestee proceeded with the argument in said case in his behalf.

Mr. Johnston,on leave, offered the following resolution:

S. R. No. 95—*Resolved*, That the further hearing of the contested election case of Cox *vs.* Harmon be adjourned until to-morrow at 10½ o'clock A. M.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 21, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Burress, Ellis, Haines of Carroll, Haines

of Preble, Hudson, Johnston, Kent, Kirr, Knox, Lewis, Miller, Monahan Owens, Philson, Reese, Rukenbrod, Sheridan, Stanton, Stickney, Stokes, Warnock and Williams—21.

Those who voted in the negative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Kessler, Kleinschmidt, Ransom, Schenck, Spangler and Swan—12.

So the resolution was adopted.

The case was so postponed.

The following bill was introduced, on leave, and read the first time:

S. B. No. 363—Mr. Burns—To repeal certain acts therein named.

Mr. Owens moved the Senate adjourn.

Which was disagreed to.

S. B. No. 345—To amend section two of an act entitled "An act for the protection of railroads,' passed March 20, 1849," passed March 6, 1845, (Swan & Critchfield, volume 1, page 420).

Was read the third time.

Mr. Swan moved that the bill be referred to a select committee of one, with instructions to amend as follows:

After the word "railroad," in line eleven, section two, insert "with intent thereby to cause any injury to persons or property."

Which was agreed to.

Mr. Swan was appointed such select committee.

Mr. Swan, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 345, with instructions to amend, reports the same back amended as instructed.

C. J. Swan.

Mr. Burress moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Strike out all of section two after the word "upward" in line seven, and insert the following:

"Shall, on conviction thereof, be punished by imprisonment in the Penitentiary for a term not to exceed three years, nor less than one year."

2d—Add the following:

Sec. 3. Any person or persons who shall willfully and maliciously break, remove, extinguish, or in any other manner interfere with any lamp or signal light that may be in use upon any railroad building, bridge, track, or any part thereof, or upon any engine or car upon any railroad, by which said breaking or extinguishment, injury shall be sustained to property of the value of thirty-five dollars or upward, or injury to the person resulting in death or permanent injury, shall, on conviction thereof, be imprisoned in the Penitentiary for not more than three years, nor less than one.

Strike out "section two" and insert "section four."

Which was agreed to.

Mr. Burress was appointed such select committee.

Mr. Burress, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 345, with instructions to amend, reports the same back amended as instructed.

N. P. Burress.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 29, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—29.

The bill passed. The title was agreed to.

Mr. Burrows submitted the following report:

The standing committee on Common Schools, to whom was referred S. B. No. 343—To create a sub-school district in Batavia township, Clermont county—having had the same under consideration, report it back, and recommend its passage.

E. P. Ransom, Samuel Knox,
S. S. Burrows, E. T. Stickney,
W. Sheridan, Jr.

The bill was ordered to be engrossed at the Clerk's desk and read the third time.

The bill was read the third time.

The question being, "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 32, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—32.

So the bill passed. The title was agreed to.

Mr. Haines of Carroll, submitted the following report:

The standing committee on Finance to whom was referred H. B. No. 675—For the relief of Jacob Koch and John R. Helman, late Treasurers of Wayne county—having had the same under consideration, report it back, without recommendation.

A. R. Haines, J. H. Bates,
H. W. Curtiss, R. Stanton,
Jno. H. Hudson, Elias Ellis.

The bill was ordered to be read the third time to-morrow.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found corectly engrossed S. Bs. Nos. 299 and 340.

Wm. W. Beatty,
J. C. Schenck,
James W. Owens.

H. B. No. 514—To authorize the votes of stockholders of certain incorporated companies to be cast by proxy. (See volume 72, Ohio Laws. page 39).

Was read the third time and laid on the table.

On motion of Mr. Burrows, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

FRIDAY, MARCH 16, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

Mr. Philson submitted the following report:

The standing committee on Library, to whom was referred the nomination of Rodney M. Stimson to be State Librarian for the period of two years from and after the 10th day of March, 1877—having had the same under consideration, report it back, and recommend that the nomination of the said Rodney M. Stimson be confirmed.

J. R. PHILSON, JAMES W. OWENS,
H. W. CURTISS, JHO. H. HUDSON.

On motion of Mr. Andrews, the Senate went into executive session for the purpose of considering said nomination.

On demand of Mr. Stanton, a call of the Senate was had.

Thirty-four Senators answered to their names.

Messrs. Burress, Haines of Preble and Sheridan were absent.

Leave of absence was granted Mr. Haines of Preble until to-morrow.

Mr. Reese moved that the Sergeant-at-Arms be dispatched for absentees.

Which was disagreed to.

All further proceedings under the call were dispensed with.

The question being on the confirmation of said appointment of Rodney M. Stimson, as State Librarian, the yeas and nays were taken, and resulted—yeas 33, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—33.

So the Senate advised and consented to said appointment.

On motion of Mr. Knox, the proceedings of the executive session were ordered to be spread upon the Journal.

The following communications were received from the Governor:

MESSAGE FROM THE GOVERNOR.

THE STATE OF OHIO, EXECUTIVE DEPARTMENT,

COLUMBUS, 14TH DAY OF MARCH, 1877.

To the Senate:

I have the honor to nominate, and by and with the advice of the Senate, appoint William W. Bond, of Franklin county, to be Supervisor of Public Printing, for the term of two years, from and after the 12th day of April, 1877.

Very respectfully,
THOS. L. YOUNG, *Governor.*

Referred to the committee on Public Printing.

MESSAGE FROM THE GOVERNOR.

THE STATE OF OHIO EXECUTIVE DEPARTMENT.

COLUMBUS, 15TH DAY OF MARCH, 1877.

To the Senate:

I have the honor to state that the nomination of Dr. Hugh M. Lash, to be Trustee of the Athens Hospital for the Insane, is hereby withdrawn.

Very respectfully,

THOS. L. YOUNG, *Governor.*

On motion of Mr. Knox, the committee on Benevolent Institutions was discharged from the further consideration of said nomination.

Mr. Lewis presented the memorial of Governor E. F. Brown and the officers of the Central Branch of the National Home for Disabled Volunteer Soldiers.

Which was referred to the committee on Judiciary.

On motion of Mr. Stanton S. B. No. 296—Supplementary and amendatory of the act entitled "An act to amend sections 2, 4 and 24 of an act entitled 'an act to preserve the purity of elections,'" passed March 20, 1841, (S. & C., 543, 544, 547), as amended by the acts of April 15, 1857, (vol. 54, O. L., 136), May 30, 1864, (vol. 61, O. L., 83), and April 15, 1867, (vol, 64, O. L., 151), and to repeal the acts amendatory thereof and supplementary thereto, passed February 15, 1861, (vol. 58, O. L., 17), May 30, 1864, (vol. 61, O. L., 83), April 15, 1867, (vol. 64, O. L., 151), and April 16, 1867, (vol. 64, O. L., 228, 229), as amended April 17, 1868, (S. & S., 340)—the special order for this hour, was taken up and made the special order for 10 o'clock a. m., Tuesday.

The contested election case of Cox *vs.* Harmon, the special order for this hour, was taken up for further consideration.

Mr. Butterworth, counsel for contestee, proceeded with the argument in behalf of said contestee.

On motion of Mr. Beatty, the further hearing of said case was adjourned until 2 o'clock p. m., and the Senate took a recess until that hour.

TWO O'CLOCK, P. M.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 260—Mr. Ransom—To amend sections one, two, four, five, seven, eight, nine, ten, eleven, twelve, fourteen, sixteen and seventeen of an act entitled an act to regulate the police force in cities of the first class, and to repeal an act passed December, 18, 1874, entitled an act for the better regulation of the police force in cities of the first class, having a population of two hundred thousand or over, and to repeal an act entitled an act to establish a board of police commissioners in certain cities of the first class, passed March 29, 1873, (Ohio Laws, volume 72, page 51), passed March 24, 1876, (O. L., vol. 76, p. 70), and supplementary thereto.

Attest: WM. LEONARD, *Clerk.*

On demand of Mr. Andrews, a call of the Senate was had.

Twenty-seven members answered to their names.

Messrs. Ault, Brown of Lucas, Haines of Preble, Kerr, Lewis, Miller, Reese, Schenck, Sheridan and Warnock were absent.

The Sergeant-at-Arms was dispatched for absentees.

Messrs. Warnock, Sheridan, Ault and Lewis appeared within the bar and answered to their names.

All further proceedings under the call were dispensed with.

Mr. Campbell, counsel for contestant, in the case of Cox vs. Harmon, proceeded with the closing argument in said case.

Mr. Bates offered the following resolution, after some time spent with said argument:

S. R. No. 96—*Resolved*, That the further consideration of the contested case of Cox vs. Harmon, be adjourned to Wednesday, March 21, at 3 p. m., and that the same be then considered by the Senate in secret session with closed doors.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 28, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Reese, Sheridan, Spangler, Stanton, Stickney, Swan, Warnock and Williams—28.

Those who voted in the negative were—

Messrs. Brown of Ross, Johnston, Ransom, Rukenbrod and Schenck—5.

So the resolution was adopted, and the case so adjourned.

The following bill was introduced, on leave, and read the first time:

S. B. No. 364—Mr Burress—For the relief of James F. Coffield and his sureties, Treasurer of Patterson township, Darke county.

Mr. Burress moved that the constitutional rule requiring bills to be read on three different days be dispensed with, and said bill be read the second time.

On which motion the yeas and nays were demanded, taken and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Lucas, Burns, Burress, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Reese, Rukenbrod, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—29.

So the rules were dispensed with.

The bill was read the second time and referred to the committee on Judiciary.

The following bill was introduced on leave, and read the first time:

S. B. No. 365—Mr. Monahan—To provide for the election of defending attorneys and prescribing their duties.

H. B. No. 675—For the relief of the official sureties of Jacob B. Koch and John R. Helman, late Treasurers of Wayne county, Ohio—was taken from the calendar and read the third time.

Mr. Knox moved that the bill be referred to a select committee of one with instructions to amend as follows:

1st—Add after section 3, as a new section, "Section 4. That all the questions or alternate propositions to be submitted to the electors by

this act, shall be printed or written on the tickets to be voted at the said election. And if one clause be erased, the alternate one shall be counted, if both clauses relating to the same proposition be erased, or neither clause be erased, the vote on that proposition shall not be counted.

2d—Renumber section 4 as section 5.

Which was agreed to.

Mr. Knox was appointed such select committee.

Mr. Knox, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 675, with instructions to amend, reports the same back amended as instructed.

Samuel Knox.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 19, nays 10, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Curtiss, Ellis, Haines of Carroll, Hudson, Kent, Lewis, Miller, Philson, Sheridan, Spangler, Stickney, Stokes, Swan and Williams—19.

Those who voted in the negative were—

Messrs. Burns, Burrows, Johnston, Kleinschmidt, Knox, Monahan, Owens, Reese, Rukenbrod and Schenck—10.

So the bill passed. The title was agreed to.

On motion of Mr. Curtiss, the Senate took a recess until 10 o'clock a. m., to-morrow.

Saturday, March 17, 1877—10 o'clock A. M.

Prayer by Rev. Hugh McBride of Zanesville.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 663—Mr. Huberich—To amend section 661 of an act entitled "An act to provide for the organization and government of Municipal Corporations," passed May 7, 1869, and took effect July 1, 1869, (O. L., vol. 66, p. 261).

Attest: Wm. Leonard, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has appointed Messrs. Zumstein, Hostteter and Hodge as a committee of Conference on matters of difference between the two Houses on H. B. No. 577—Mr. Meuser—For the relief of Ellis Davis and the sureties on his official bond.

Attest: Wm. Leonard, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 502—Mr. Beach—To amend section three of an act entitled "An act to authorize the Commissioners of the several counties in this State through which the National Road passes, to take under their care and control so much of the said road as lies within the limits of such counties respectively," passed April 6, 1876, and took effect May 15, 1876. (O. L. volume 73, page 105).

Also—

H. B. No. 579—Mr. Carothers—To authorize the Board of County Commissioners of Delaware county to levy a tax for the purpose of building a county jail in said county.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 394—Mr. Barrett—To provide for the procurement of additional lands for cemetery purposes.

H. B. No. 78—Mr. Richards—To secure to children the benefit of an elementary education.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 279—Mr. Stickney—To create a special school district in Seneca county, Ohio, to be called the Rockaway special school district.

S. B. No. 285—Mr. Monahan—To authorize the Board of Education of the city of Portsmouth to borrow money to build a school house and issue bonds for the payment of the same.

S. B. No. 339—Mr. Curtiss—To authorize the City Council of the city of Akron to levy a tax for cemetery purposes.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives herewith transmits a communication from the "Ohio State Grange, Patrons of Husbandry," for your consideration in connection with—

Substitute for H. B. No. 98—Mr. Barrett—For the protection of wool growers and the confiscation of dogs—now pending in the Senate.

Attest: WM. LEONARD, *Clerk.*

Referred to the committee on Agriculture.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representa tives and read the first time.

H. B. No. 767—Mr. Neal—To allow County Commissioners to construct workhouses and to permit prisoners to be sentenced thereto.

H. B. No. 768—Mr. Beach—To secure pay to persons performing labor or furnishing material in constructing turnpike roads.

H. B. No. 769—Mr. Sellards—To authorize the creation of a special school district in Harrison township, Scioto county, Ohio.

H. B. No. 770—Mr. Scheble—To amend an act entitled an act to amend an act entitled "An act to enable the Common Council of any city or incorporated village in this State, having a population of twenty-five hundred inhabitants or more, through which any of the canals of this State may run, or for the Board of County Commissioners of the county in which such city or incorporated village may be situate, to construct and maintain for public use a swing bridge or self-closing bridge on any highway where the same crosses such canal within the territory of said city or incorporated village," passed April 16, 1874 (O. L., vol. 71, p. 84), March 29, 1875 (O. L., vol. 72, p. 110).

H. B. No. 771—Mr. Boyce—To authorize the Commissioners of Columbiana county, Ohio, to repair West Point and Hanover Road.

H. B. No. 772—Mr. Breck—To authorize the Tustees of Middleborrough township, Cuyahoga county to levy a tax for certain pnrposes mentioned therein.

H. B. No. 773—Mr. Wiltsee—To amend section 13 of an act entitled "An act to create a Board of Public Works in certain cities having a population of one hundred and fifty thousand and upwards at the last federal census, and to repeal section 15 of said act," (O. L., Vol. 73, p. 43.)

H. B. No. 774—Mr. Richards—Supplementary to an act to create a special school district in Mentor township, Lake county, Ohio, (O. L., Vol. 73, p. 297).

H. B. No. 775—Mr. Hostetter—To amend section 34 of an act entitled "An act to amend an act to enroll the malitia of Ohio, to organize the volunteer malitia and repeal certain acts therein named," passed April 2, 1866, and to repeal certain acts therein named, (O. L., Vol. 73, p. 173).

Attest: WM. LEONARD, *Cler* .

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 776—Mr. Ullery—To amend an act entitled "An act to amend an act entitled "An act to enroll the malitia of Ohio, to organize the volunteer malitia and to repeal certain acts therein named," passed April 2, 1876.

Attest: WM. LEONARD, *Clerk*.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested—

H. B. No. 760—Mr. McLain—To authorize the Trustees of Fowler township, Trumbull county, to transfer money therein named to the general township fund of said township.

H. B. No. 698—Mr. Boyce—Authorizing the County Commissioners to offer rewards for the detection of horse thieves.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 777—Mr. Huberich—To amend section 56 of act entitled an act for the reorganization of school districts," passed and took effect May 1, 1873, (O. L., Vol. 70, p. 211.)

H. B. No. 778—Mr. Barclay—To amend sections 1, 2, 3, 4 and 7 of an act to regulate the sale of mineral oils and other substances for illuminating purposes and to repeal certain enactments therein named," passed April 16, 1867 (S. & S., 402), and as amended April 27, 1872 (Vol. 69).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bill has been introduced in the House of Representatives and read the first time:

H. B. No. 779—Mr. Carothers—To authorize the transfer of certain public lands in the village of Sunbury, Delaware county, Ohio, to the Board of Education of Sunbury special school district, Delaware county, Ohio.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 266—Mr. Knox—To amend section two of an act to better provide for the organization, regulation and management of Hospitals for the Insane, passed March 27, 1876 (O. L., Vol. 73, p. 81)—

With the following amendments, in which the concurrence of the Senate is requested:

In section 2 strike out the words "first of May next" and insert "its passage."

At end of first section add "provided that the transfer of inmates made necessary by this act need not be made until after June 1, 1877."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken, and resulted—yeas 24, nays none as, follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Boss, Burns, Burress, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Owens, Reese, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Swan and Williams—24.

The amendments were concurred in.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 189—Mr. Dechant—To authorize and empower the Town Council of the incorporated village of Middletown, Butler county, Ohio, to make certain transfers of the corporation funds of said village.

S. B. No. 322—Mr. Schenck—To authorize the Trustees of the township of Rockport, in the county of Cuyahoga, to issue bonds to the amount of six thousand dollars, for the purpose of buying land and to erect and repair suitable buildings thereon for Infirmary purposes.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolutions, in which the concurrence of the Senate is requested:

H. J. R. No. 86—Mr. Converse—Relative to establishing a Commission at the Ohio Agricultural and Mechanical College for the purpose of properly testing iron and steel.

H. J. R. No. 100—Mr. Baker of Perry—Requiring the proceeds of the sale of certain lands to be placed to the credit of the fund of the Ohio Agricultural and Mechanical College.

Attest: WM. LEONARD, *Clerk.*

H. J. R. No. 86—Referred to the committee on Agriculture.

H. J. R. No. 100—Referred to the committee on Finance.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the report of the committee of conference on matters of difference between the two Houses on—

H. J. R. No. 66—Mr. Millikin—Providing for the printing and distribution of the Report of the Secretary of State for 1876.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 655—Mr. Converse—Creating a special school district in Crane Township, Wyandot county, Ohio, and to authorize the Board of Education to build a school house therein.

H. B. No. 441—Mr. Bowen—To enable the Trustees of the Church of the United Brethren in Christ, in Green township, Hocking county, State of Ohio, to sell and convey certain real estate.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution in which the concurrence of the Senate is requested:

H. J. R. No. 96—Committee on Claims—Providing for the payment of the claim of Bohm and Field, contractors for the cut stone work of the Ohio Institution for the Education of the Blind.

Attest: WM. LEONARD, *Clerk.*

Referred to the committee on Benevolent Institutions.

Mr. Swan submitted the following report:

The joint committee on Enrollment, have examined, and found correctly enrolled, the following bills and joint resolution:

H. B. No. 646—To amend an act entitled an act to authorize County Commissioners to purchase portions of turnpikes, passed April 11, 1876.

H. B. No. 449—To authorize the Auditor of Licking county, Ohio, to remit certain taxes on lot No. 166, in the village of Hebron, in said county.

H. B. No. 260—To amend section 12 of an act entitled an act for the punishment of certain offenses therein named, passed March 8, 1831, (S. & C., p. 424,) and as amended February 21, 1873. (O. L., Vol. 70, page 37.)

H. J. R. No. 66—Providing for the printing of additional copies of the Secretary of State's Report for distribution among the members.

H. B. No. 559—Authorizing the incorporated village of Nelsonvslle, Athens county, to transfer certain funds.

H. B. No. 579—To authorize the Board of County Commissioners of Ross county, to build a county jail in said county.

H. B. No. 581—Authorizing the County Commissioners of Ross county to build a jail and issue bonds therefor.

H. B. No. 600—To authorize the City Council of the city of Columbus to levy a tax and build a Police Station.

S. B. No. 260—To amend sections 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 14, 16 and 17, of an act entitled an act to regulate the Police force in cities of the first class, &c.

H. B. No. 570—To authorize the village council of the incorporated village of Wilmington, Clinton county, Ohio, to raise money to build a Town Hall and Engine house.

H. B. No. 627—To authorize the creation of a special school district in the township of Dinsmore, Shelby county, Ohio.

E. L. LYBARGER, ASA TOBEREN,
THOS. S. LUCCOCK, T. P. BROWN,
E. C. LEWIS, C. J. SWAN.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and joint resolution:

H. B. No. 579--Mr. Carothers—To authorize the Board of County Commissioners of Delaware county, to levy a tax for the purpose of building a county jail in said county.

H. B. No. 600—Mr. Converse—To authorize the City Council of the city of Columbus to levy a tax and build a Police Station.

H. B. No. 581—Mr. Entrekin—Authorizing the County Commissioners of Ross county, to build a county Jail, and to issue bonds therefor.

H. B. No. 659—Mr. Monahan—Authorizing the Council of the incorporated village of Nelsonville, Athens county, to transfer certain funds.

H. J. R. No. 66—Mr. Millikin—Providing for the printing of additional copies of the Secretary of State's Report for distribution among the members.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills and joint resolution.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 631—Mr. Wales—To authorize the Council of the incorporated village of Lebanon, Warren county, Ohio, to contract for the building of, and to build a public hall, corporation prison, and corporation offices connected therewith, as provided for by the resolutions and ordinances passed by the Council of said village, and to execute, issue and sell the bonds authorized to be executed, issued and sold, by an ordinance of said village, passed January 18, 1875.

H. B. No. 661—Mr. Nigh—For the relief of Mears, Olhaber & Co.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bill:

H. B. No. 646—Mr. Groom—To amend the act entitled an act to authorize County Commissioners to purchase portions of turnpikes, passed April 11, 1876. (O. L., vol. 73, page 220.)

Attest: WM. LEONARD, *Clerk.*

The President, in the presence of the Senate, signed said bill.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 682—Mr. West—To authorize the building of a public hall in Millford precinct of Miami township, Clermont county, Ohio.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 449—Mr. Smith of Licking—To authorize the Auditor of Licking county, Ohio, to remit certain taxes on lot No. 166, in the village of Hebron, in said county.

H. B. No. 260—Mr. Groom—To amend section twelve of an act entitled "An act for the punishment of certain offenses therein named," passed March 8, 1831, and took effect June 1, 1831, (S. & C. 429), and as amended February 21, 1873, (O. L., volume 70, page 39).

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 581—Mr. Entrekin—Authorizing the County Commissioners of Ross county to build a county jail, and to issue bonds therefor.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has appointed Messrs. Faxon, Washburn and Holloway as a committee of Conference on matters of difference between the two Houses on—

H. J. R. No. 89—Mr. Converse—Providing for the erection of a suitable monument in Green Lawn Cemetery to the memory of Union soldiers buried there.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 676—Mr. Hostetter—Supplementary to the act passed March 26, 1867, (64, volume 80; Swan & Sayler, 671), entitled "An act to authorize the County Commissioners to construct roads, on the petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named," and the acts amendatory and supplemental to.

Attest: WM. LEONARD, *Clerk*.

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 569—Mr. Neal—Supplementary to an act entitled "An act to authorize the city council of the city of Hamilton to fill up a part of the Canal Basin in said city," passed April 27, 1872, (Volume 69, O. L., 271), and an act supplementary to said act, passed April 6, 1876. (Vol. 73, Ohio Laws, 275).

H. B. No. 704—Mr. Cleaver—To create two separate election precincts in Flushing township, Belmont county.

H. B. No. 694—Mr. Dempcy—To amend section sixty-two of an act entitled "An act to provide for the reorganization and government of Municipal Corporations," passed May 7, 1869, (O. L. vol. 66, page —), as amended April 4, 1872, (O. L. vol. 69, page 64).

H. B. No. 565—Mr. Neal—To authorize the Auditor of Butler county, Ohio, to pay a claim named therein.

H. B. No. 727—Mr. Blake—To authorize the transfer of certain funds of the village of Garrettsville, Portage county.

Attest: WM. LEONARD, *Clerk*.

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 733—Mr. Lybarger—To authorize the council of the incorporated village of Coshocton to transfer certain funds therein named to the cemetery fund of said village.

Attest: WM. LEONARD, *Clerk*.

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bill:

S. B. No. 260—Mr. Ransom—To amend sections one, two, four, five, seven, eight, nine, ten, eleven, twelve, fourteen, sixteen and seventeen of

an act entitled an act to regulate the police force in cities of the first class, and to repeal an act passed December, 18, 1874, entitled an act for the better regulation of the police force in cities of the first class, having a population of two hundred thousand or over, and to repeal an act entitled an act to establish a board of police commissioners in certain cities of the first class, passed March 29, 1873, (Ohio Laws, volume 72, page 51), passed March 24, 1876, (O. L., vol. 76, p. 70), and supplementary thereto.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of ths Senate, signed said bill.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested—

Amended H. B. No. 628—Mr. Oglevee—Prescribing the fees of county Auditors, and to repeal certain acts therein named.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 78—Mr. Bohl—Providing for the printing in German and distribution of 1500 copies of the School Commissioner's Report for the year 1876.

Attest: WM. LEONARD, *Clerk.*

Referred to the committee on Printing.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker, *pro tem.* of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 491—Mr. Howland—To amend section fifty-three of the act defining the civil jurisdiction of Justices of the Peace.

H. B. No. 601—Mr. Raudabaugh—To authorize the sale of certain lands therein described.

H. B. No. 497—Mr. Cowgill—To amend section twenty-eight of "An act to more effectually provide for locating, establishing and constructing ditches, drains and water courses in townships, and to repeal certain acts therein named," passed April 8, 1874, (O. L. vol. 71, page 124).

Attest: WM. LEONARD, *Clerk.*

The President, in the presence of the Senate, signed said bills.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 566--Mr. Sage—Supplementary to an act entitled "An act to provide for the straightening, clearing out, widening, deepening and otherwise improving certain ditches, drains and water courses, in Wood county, Ohio, passed April 11, 1876.

Attest: WM. LEONARD, *Clerk*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 668—Mr. Huberich—To amend an act entitled "An act to authorize the common councils of certain cities of the first class to issue Water Works bonds," passed April 11, 1876, (O. L., vol. 73, page 217).

H. B. No. 669—Mr. Huberich—To repeal an act entitled "An act to authorize the issuing of floating debt bonds, in cities of the first class having a population of less than one hundred thousand," passed April 18, 1874, (O. L., vol. 71, page 94).

H. B. No. 690—Mr. Bard—For the relief of Thomas Gilpin.

H. B. No. 731—Mr. Haley—To amend section second of an act entitled "An act to authorize County Commissioners to locate and construct turnpike roads," passed April 30, 1869.

H. B. No. 737—Mr. Sheets—Supplementary to an act entitled "An act to authorize the trustees of Findlay township, Hancock county, Ohio, to levy a tax to macadamize and improve the roads and highways in said township," passed April 7, 1876, (Vol. 73, page 283).

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

Amended H. B. No. 576—Mr. Stone—To to amend section fifty-two of an act entitled "An act for the reorganization and maintenance of common schools," passed May 1, 1873.

H. B. No. 682—Mr. West—To authorize the building of a public hall in Milford precinct of Miami township, Clermont county, Ohio.

H. B. No. 703—Mr. Breck—To give certain power to establish turnpike roads in Brooklyn village, Cuyahoga county.

H. B. No. 697—Mr. Holloway—To amend section seven of an act entitled "An act to provide for laying out and constructing a road from Liverpool, in Columbiana county, to Warren, in the county of Trumbull," passed February 21, 1824, (Laws of Ohio, vol. 22, p. 80.)

H. B. No. 622—Mr. Eylar—To extend the time of paying the assessments upon the Rome and Mineral Springs free turnpike road, and to provide for a refunding of such bonds, issued for the construction thereof, as may be due and outstanding on the 20th day of June, 1877.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 570—Mr. Quinby—To authorize the village council of the incorporated village of Wilmington, Clinton county, Ohio, to raise money to build a town hall and engine house.

H. B. No. 627—Mr. Carson—To authorize the creation of a special school district in the township of Dinsmore, Shelby county, Ohio.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills.

Bills were read the second time and referred as follows:

H. B. No. 683—Regarding the maintenance and repair of streets, alleys, etc., in cities of the first-class having a population of more than ninety thousand and less than one hundred and fifty thousand inhabitants at the last federal census.

To the committee on Municipal Corporations.

H. B. No. 219—To amend section two of an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869, passed February 10, 1870, (Ohio Laws, volume 67, page 7,) and to repeal an act to extend the provisions of said act of February 10, 1870, passed March 30, 1874, (Ohio Laws, volume 71, page 49.)

To a select committee of four—the Senators from first district.

S. B. No. 354—To create a special school district in certain territory in York township, Morgan county, and Bearfield township, Perry county.

To the committee on Common Schools and School Lands.

S. B. No. 385—Providing for the erection of a jail in the county of Erie.

To the committee on Finance.

S. B. No. 356—To amend an act entitled "An act to amend an act entitled 'an act amendatory to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, passed April 18, 1856, passed April 14, 1870, passed March 15, 1875, (page 55, Laws of Ohio, 1875.)

To the committee on Corporations other than Municipal.

S. B. No. 357—To amend section 2 of an act entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, (Swan & Critchfield, volume 1, page 271), as amended February 14, 1872, volume 69, page 14.)

To the committee on Corporations other than Municipal.

S. B. No. 358—To authorize the transfer of certain funds therein named, now in the treasury of the incorporated village of Lexington, Richland county.

To the committee on Finance.

S. B. No. 359—To amend an act amendatory to an act entitled "An act for the reorganization of common schools," passed March 1, 1873, (Ohio Laws, volume 72, page 45.)

Was read the second time.

The bill was ordered to be engrossed and read the third time Tuesday.

S. B. No. 360—Supplementary to an act to amend section three of an act entitled "An act to restrain dogs from running at large at night, and for the protection of sheep," passed March 24, 1863, passed April 4, 1866, passed March 13, 1868, (Swan & Sayler, page 11.)

Was read the second time and referred to the committee on Agriculture.

H. B. No. 588—To provide for the incorporation of Farm Laborers' Association.

Was read the third time and laid on the table.

S. B. No. 338—To amend an act entitled "An act to authorize the Commissioners of Seneca county to build a jail and issue bonds therefor."

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 19, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Burns, Burrows, Curtiss, Haines of Carroll, Hudson, Kent, Kleinschmidt, Knox, Lewis, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stickney, Swan and Williams—19.

Mr. Johnston voted in the negative—1.

So the bill passed. The title was agreed to.

S. B. No. 348—To create a separate school district in Sandy township, Tuscarawas county.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stickney, Swan and Williams—21.

So the bill passed. The title was agreed to.

S. B. No. 307—To regulate the speed of railroad locomotives and cars within the corporate limits of any city, town or village.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 20, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Hudson, Kent, Kleinschmidt, Knox, Lewis, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Swan and Williams—20.

Mr. Johnston voted in the negative—1.

So the bill passed. The title was agreed to.

H. B. No. 644—To authorize the Board of Education of Perry township, Lawrence county, to levy a tax to pay the indebtedness of said township, incurred in the erection of school houses.

Was read the third time.

Mr. Knox moved that the bill be referred to a select committee of one with instructions to attach, as section 2, the following:

"Section 2. This act shall take effect and be in force from and after its passage."

Which was agreed to.

Mr. Knox was appointed such select committee.

Mr. Knox on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 644, with instructions to amend, reports the same back amended as instructed.

S. Knox.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Ross, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Swan, and Williams—21.

So the bill passed. The title was agreed to.

The further consideration of H. B. No. 574—To create the office of court interpreter in certain judicial districts—was postponed until Tuesday.

The further consideration of S. B. No. 332—Supplementary to an act entitled "An act to amend sections 97, 643, 649, 650, 656 of an act entitled 'an act to provide for the organization and government of municipal corporations," passed May 7, 1869, (volume 66, page 165,) and section 663 of said act, as amended April 18, 1870, (volume 67, page 85), passed April 8, 1876, (volume 73, page 125)—was postponed until Tuesday.

The further consideration of H. B. No. 440—To incorporate an association for the mutual protection of its members against loss by fire—was postponed until Tuesday next.

S. B. No. 280—To amend section four of an act entitled "An act to provide for the partition of real estate," passed February 17, 1831, and took effect June 1, 1831, (Swan & Critchfield, page 896.)

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Owens, Philson, Reese, Rukenbrod, Spangler, Stanton, Stickney, Swan andWilliams—23.

So the bill passed. The title was agreed to.

H. B. No. 543—To authorize the creation of a special school district in Pittsfield township, Lorain county, Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Owens, Philson, Reese, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Swan and Williams—24.

So the bill passed. The title was agreed to.

S. B. No. 340—To create a sub-school district in Dover township, Tuscarawas county, out of territory within the Dover union school district in said county.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Burns, Burress, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Owens, Reese, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Swan, and Williams—22.

So the bill passed. The title was agreed to.

S. B. No. 299—To amend section eight of an act entitled "An act to prevent cruelty to animals, and to provide for the organization of associations or societies for prevention of cruelty to animals," and to repeal certain acts herein named.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Owens, Philson, Reese, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Swan and Williams—24.

So the bill passed. The title was agreed to.

Mr. Hudson submitted the following report:

The standing committee on Finance, to whom was referred S. B. No. 347—To authorize the Commissioners of Jackson county to transfer certain funds to the poor funds of said county—having had the same under consideration, report it back, with the following amendment, and recommend its passage when so amended:

In section one, line seven, strike out the word "poor," and insert the word "county."

SAMUEL KNOX, JNO. H. HUDSON,
J. H. BATES, A. R. HAINES,
ELIAS ELLIS.

The amendment was agreed to.

The bill was ordered to be engrossed and read the third time Tuesday.

Mr. Andrews submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 346—To amend section seventy of an act entitled "An act to establish a code of civil procedure," passed March 11, 1853, and amended April 3, 1862, as amended February 11, 1874—having had the same under consideration, report it back and recommend it passage.

GEO. W. ANDREWS, C. J. SWAN,
A. M. BURNS, N. P. BURRESS,
JAMES W. OWENS.

The bill was ordered to be read the third time Tuesday.

Mr. Brown of Ross, submitted the following report.

The standing committee on Roads and Highways to whom was referred S. B. No. 352—To amend section four of an act entitled "An act to amend the act entitled 'an act for the regulation of turnpike companies," (S. & C., page 337)—having had the sameunder consideration, report it back and recommend its passage.

A. L. BROWN, A. SPANGLER,
A. R. HAINES, W. SHERIDAN, JR.,
J. B. WILLIAMS, M. KENT,
J. R. JOHNSTON.

The bill was ordered to be engrossed and read the third time Monday.

Mr. Burress presented the petition of S. A. Greer, and twenty other citizens of Darke county, for the relief of James F. Coffield, treasurer of Patterson township, of said county.

Which was referred to the committee on Judiciary.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

Anemded H. B. No. 664—Mr. McLain—Making appropriations for the fiscal year 1877, and the first quarter of the fiscal year 1878.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

Mr. Brown of Ross submitted the following report:

The standing committee on Roads and Highways, to whom was referred S. B. No. 351—To require the township trustees of Fairfield township, in the county of Tuscarawas, to open a county road through said township—having had the same under consideration, report it back without recommendation.

A. L. BROWN, A. R. HAINES,
J. R. JOHNSTON, A. SPANGLER,
J. B. WILLIAMS.

The bill was ordered to be engrossed at the Clerk's desk and read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 17, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Burress, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Owens, Philson, Reese, Rukenbrod, Sheridan and Williams—17.

Messrs. Spangler and Stanton voted in the negative—2.

So the bill was lost.

Mr. Lewis moved that the vote whereby said S. B. No. 351 was lost, be reconsidered.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Ross, Burress, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Owens, Philson, Reese, Rukenbrod, Sheridan, Spangler, Stanton and Williams—21.

So the vote was reconsidered; the bill was laid on the table.

On motion of Mr. Burrows, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

MONDAY, MARCH 19, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

Mr. Burrows presented the petition of E. W. Richards, acting Coroner, and ten other citizens and officers of Ashtabula county, asking that the General Assembly make an appropriation of twelve hundred dollars to in part pay the expense of said jury, and that an increase be made in the compensation.

Which was referred to the committee on Finance.

Bills were read the second time and referred as follows:

S. B. No. 361—To amend section 3 of an act to provide for the equalization of the valuation of bank shares for taxation, passed April 12, 1876, (O. L., Vol. 73, p. 251).

To the committee on Finance.

S. B. No. 362—Amendatory of and supplementary to an act to enable trustees of religious denominations to become incorporated, and defining their powers, passed April 20, 1874.

To the committee on Corporations other than Municipal.

S. B. No. 363—To repeal certain acts therein named.

To the Committee on Medical Colleges.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills:

S. B. No. 209—To provide for the straightening, cleaning out, widening and deepening water courses in the counties of Henry and Wood.

S. B. No. 310—Providing for the safe keeping of the evidences of title to land acquired by the State.

S. B. No. 339—To authorize the city of Akron to levy a tax for cemetery purposes.

S. B. No. 284—To authorize the Common Council of the village of Attica in Seneca county to transfer money.

S. B. No. 335—To change the time for holding the second and third terms of the Court of Common Pleas of Miami and Champaign counties for the year 1877.

S. B. No. 194—Supplementary to the act entitled "An act to authorize the County Commissioners to construct roads on a petition of a majority of resident land owners along and adjacent to line of said road," passed March 29, 1867.

S. B. No. 267—To create two election districts in Milton township, Jackson county.

C. J. SWAN, E. L. LYBARGER,
E. C. LEWIS, THOS. S. LUCCOCK,
T. P. BROWN.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives, has, in presence of the House, signed the following bills:

S. B. No. 284—Mr. Stickney—To authorize the Common Council of the village of Attica, in Seneca county, to transfer money.

S. B. No. 267—Mr. Monahan—To create two election precincts in Milton township, Jackson township.

S. B. No. 194—Mr. Swan—Supplementary to the act entitled "An act to authorize the County Commissioners to construct roads on petition of a majority of resident landowners along and adjacent to the line of said road," passed March 29, 1867 (S. & S., 671), and the acts amendatory thereof and supplementary thereto.

S. B. No. 339—Mr. Curtiss—To authorize the City Council of the city of Akron to levy a tax for cemetery purposes.

S. B. No. 209—Mr. Swan—To provide for the straightening, clearing out, widening, deepening and otherwise improving water courses in the counties of Henry and Wood, in the State of Ohio.

S. B. No. 310—Mr. Johnston—Providing for the safe keeping of the evidences of title to land acquired by the State, and prescribing the duties of the Auditor of State in relation thereto.

S. B. No. 335—Mr. Warnock—To change the time for holding the second and third terms of the Court of Common Pleas in the counties of Miami and Champaign for the year 1877.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills.

Bills were read the second time and referred as follows:

H. B. No. 760—To authorize the Trustees of Fowler township, Trumbull county, to transfer money therein named to the general township fund of said township.

To the committee on Finance.

H. B. No. 698—Authorizing County Commissioners to offer a reward for the detection of horse thieves.

To committee on Agriculture.

H. B. No. 655—Creating a special school district in Crane township, Wyandot county, Ohio, and to authorize the Board of Education to build a school house therein.

To the committee on Common Schools.

H. B. No. 441—To enable the trustees of the church of the United Brethren in Christ, in Green township, Hocking county, Ohio, to sell and convey certain real estate.

To the committee on Judiciary.

H. B. No. 661—For the relief of Mears, Olhaber & Co.

To the committee on Finance.

H. B. No. 631—To authorize the Council of the incorporated village of Lebanon, Warren county, Ohio, to contract for the building of, and to build, a public hall, corporation prison and corporation offices connected therewith, as provided for by the resolutions and ordinances passed by the Council of said village, and to execute, issue and sell the bonds authorized to be executed, issued and sold, by an ordinance of said village, passed January 18, 1875.

To the committee on Corporations other than Municipal.

H. B. No. 682—To authorize the building of a public hall in Milford precinct of Miami township, Clermont county, Ohio.

To the committee on Common Schools.

H. B. No. 676—Supplementary to the act passed March 29, 1867 (64 Vol. 80, S. & S., 671), entitled "An act to authorize the County Commissioners to construct roads on the petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named," and the acts amendatory and supplementary thereto.

To the committee on Judiciary.

H. B. No. 576—To amend section 52 of an act entitled "An act for the reorganization and maintenance of common schools," passed May 1, 1873.

To the committee on Common Schools.

H. B. No. 703—To give certain power to establish turnpike or plank roads in Brooklyn village, Cuyahoga county.

To the committee on Roads and Highways.

H. B. 697—To amend section 7 of an act entitled "An act to provide for laying out and constructing a road from Liverpool, in Columbiana county, to Warren, in the county of Trumbull," passed February 21, 1824 (O. L., Vol. 22, p. 80).

To the committee on Roads and Highways.

H. B. No. 622—To extend the time of paying the assessments upon the Rome and Mineral Springs free turnpike road, and to provide for a refunding of such bonds issued for the construction thereof as may be due and outstanding on the 20th day of June, 1877.

To the committee on Roads and Highways.

H. B. No. 628—Prescribing the fees of county Auditors.

To the committee on Fees and Salaries.

H. B. No. 566—Supplementary to an act entitled "An act to provide for the straightening, clearing out, widening, deepening and otherwise improving certain ditches, drains and water courses in Wood county, Ohio," passed April 11, 1876.

To the committee on Judiciary.

H. B. No. 733—To authorize the Council of the incorporated village of Coshocton to transfer certain funds therein named to the cemetery fund of said village.

To the committee on Municipal Corporations.

H. B. No. 569—Supplementary to an act entitled "An act to authorize the City Council of the city of Hamilton to fill up a part of the canal basin in said city," passed April 27, 1872 (Vol. 69, O. L., p. 271), and an act supplementary to said act, passed April 6, 1876 (Vol. 73, O. L., p. 275).

To the committee on Municipal Corporations.

H. B. No. 704—To create two separate election precincts in Flushing township, Belmont county.

To the committee on Judiciary.

H. B. No. 694—To amend section 62 of an act entitled "An act to provide for the reorganization and government of municipal corporations," passed May 7, 1869 (O. L., Vol. 66, p. —), as amended April 4, 1872 (O. L., Vol. 69, p. 64).

To the Committee on Municipal Corporations.

H. B. No. 565—To authorize the Auditor of Butler county, Ohio, to pay a claim named therein.

To the committee on Claims.

H. B. No. 668—To amend an act entitled "An act to authorize the Common Councils of certain cities of the first class to issue water-works bonds," passed April 11, 1876 (O. L., Vol. 73, p. 217).

To the committee on Municipal Corporations.

H. B. No. 727—To authorize the transfer of certain funds of the village of Garrettsville, Portage county, Ohio.

To the committee on Municipal Corporations.

H. B. No. 669—To repeal an act entitled "An act to authorize the issuing of floating debt bonds in cities of the first class having a popula-

tion of less than one hundred thousand," passed April 18, 1874 (O. L., Vol. 71, p. 94).

To the committee on Municipal Corporations.

H. B. No. 737—Supplementary to an act entitled "An act to authorize the Trustees of Findlay township, Hancock county, Ohio, to levy a tax to macadamize and improve the roads and highways in said township," passed April 7, 1876 (O. L., Vol. 73, p. 283).

To the committee on Roads and Highways.

H. B. No. 190—For the relief of Thomas Gilpin.

To the committee on Judiciary.

H. B. No. 664—Making appropriations for the fiscal year 1877, and the first quarter of the fiscal year 1878.

To committee on Finance.

On motion of Mr. Rukenbrod the Senate took a recess.

THREE O'CLOCK P. M.

Mr. Owens submitted the following report:

The standing committee on Revision has examined and found correctly engrossed S. B. No. 352.

W. W. BEATTY,
J. C. SCHENCK,
JAMES W. OWENS.

S. B. No. 352—To amend section 4 of an act entitled an act to amend the act entitled "An act for the regulation of turnpike companies" (S. & C., p. 337).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Ross, Burrows, Curtiss, Hudson, Kent, Kessler, Kleinschmidt, Knox, Owens, Philson, Ransom, Rukenbrod, Sheridan, Spangler, Stanton, Stokes, Swan, Warnock and Williams—21.

So the bill passed. The title was agreed to.

Mr. Knox submitted the following report:

The standing committee on Finance to whom was referred S. B. No. 355—Providing for the erection of a jail for the county of Erie—having had the same under consideration, report it back, and recommend its passage.

SAMUEL KNOX, H. W. CURTISS,
R. STANTON, JNO. H. HUDSON,
A. R. HAINES, J. H. BATES.

The bill was ordered to be engrossed at the Clerk's desk and read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Ross, Burrows, Curtiss, Haines of Carroll, Hudson, Kent, Kessler, Knox, Owens, Philson, Ransom, Rukenbrod, Sheridan, Spangler, Stanton, Stokes, Swan, Warnock and Williams—21.

So the bill passed. The title was agreed to.

Mr. Knox submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 760—To authorize the Trustees of Fowler township, Trumbull county, to transfer money therein named to the general township fund of said township—having had the same under consideration, report it back, and recommend its passage.

SAMUEL KNOX, H. W. CURTISS,
R. STANTON, J. H. BATES,
JNO. H. HUDSON.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Ross, Burrows, Curtiss, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Knox, Owens, Philson, Ransom, Rukenbrod, Sheridan, Spangler, Stanton, Stokes, Swan, Warnock and Williams—22.

So the bill passed. The title was agreed to.

Mr. Stanton submitted the following report:

The standing committee on Finance, to whom was referred S. B. No. 361—To amend section 3, of "An act to provide for the equalization of the valuation of bank shares for taxation," passed April 12, 1876, (O. L. vol. 73, p. 251)—having had the same under consideration, report it back, and recommend its passage.

R. STANTON, H. W. CURTISS,
SAMUEL KNOX, J. H. BATES,
JNO. H. HUDSON, A. R. HAINES.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Swan submitted the following report:

The standing committee on Temperance, to whom was referred S. B. No. 300—To provide for an inebriate's home—having had the same under consideration, report it back, with following amendments, and without recommendation:

In section 1, line 2, after the word "State," strike out the word "may," and insert "or the Commissioners of two or more counties may unite for purposes hereinafter mentioned."

In same section, line 5, after the word "county," insert "or counties" in two places in said line.

In lines 2 and 5, section 2, after "county" insert "or counties," in two places in said line.

In section 2, line 13, after the word "county," insert "or counties." and in line 15, section 2, insert after the word "or," a "majority."

In section 3, line 2, after word "county" insert "or counties."

In section 4, line 4, after the word "Commissioners," insert the words "of either county."

Section 5, line three, after the word "county," insert the words "or either of the counties.

C. J. SWAN, E. F. KLEINSCHMIDT,
J. R. PHILSON, JNO. H. HUDSON,
J. K. RUKENBROD.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time Wednesday.

Mr. Brown of Ross submitted the following report:

The standing committee on Roads and Highways, to whom was referred H. B. No. 439—To authorize the Commissioners of Ross county to build a bridge across the Scioto River, and to levy a tax for thatpurpose—having had the same under consideration, report it back and recommend its passage.

A. L. Brown, J. B. Williams,
A. Spangler, Wm. Sheridan, Jr.,
M. Kent.

The bill was ordered to be read the third time Thursday.

The President, on leave, offered the following resolution:

S. J. R. No. 55—Mr. Curtiss—Whereas, The patent laws of the United States have been so devised and construed as to shield and protect great and oppressive monopolies, and to encourage gigantic speculations for the benefit of the few, at the expense of the people, while they are totally inadequate to secure to inventors adequate compensation for their inventions; and,

Whereas, A very large proportion of patented inventions depend upon being publicly introduced for their value to the inventor; and,

Whereas, A very large proportion of the infringments of patents are innocent, the infringer being ignorant of the existence of the patent; and,

Whereas, The recoveries in suits for the infringment of such patents as are sued upon are out of all proportion to the public benefit conferred by these inventions, and a large per centage of such recoveries goes to speculators in patents instead of to the inventors; therefore,

Resolved, By the Senate, the House of Represenatives concurring herein, That the Senators from this State in Congress are instructed, and the Representatives are requested, to use their earnest efforts to secure such amendments to said laws as will provide,

1st—That any person may use any patented invention upon executing a bond in such sum, and with security as the circuit court of the United States for the district in which such use is to be made, shall direct and approve, conditionally, that he will pay to the owners of such invention a proper license fee for the use of the same, which bond shall be filed in the office of the clerk of said court.

2d—That either good and sufficient notice shall be given to the infringed or the extent of the recovery in suits for infringments should be limited.

3d—That in all cases the measure of the license fee shall be such sum as will give the inventor reasonable compensation for his time, labor, ingenuity and expense, which sum shall in no case, exceed the fee fixed for such use in contracts made by the inventor or owner, and such license fee shall be the measure of damage in all actions and proceedings for the infringment of patents, and no other recovery for damages or profits shall be allowed.

On motion of Mr. Knox, the resolution was laid on the table and ordered to be printed

Mr. Bates submitted the following report:

The standing committee on Finance, to whom was referred S. B. No.

319—For the relief of Thomas H. Farmilton—having had the same under consideration, report it back, with the following amendment, and recommend its passage when so amended.

In 8th line of preamble strike out "advance" and insert "pay on account of his services."

J. H. Bates, Samuel Knox,
A. R. Haines, Elias Ellis,
Jno. H. Hudson.

The amendment was agreed to, and ordered to be engrossed.
The bill was ordered to be read the third time Wednesday.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 101—Mr. Converse—Providing for the care and control of a certain tract of land belonging to the State.

Attest: Wm. Leonard, *Clerk.*

The resolution was referred to the committee on Penitentiary.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 780—Mr. Converse—To amend section 338 of an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869, (vol. 66, O. L.)

H. B. No. 781—Mr. Converse—To amend an act entitled "An act supplementary to the act further to prescribe the duty of County Commissioners," passed April 8, 1856, and to repeal an act amendatory thereto, passed March 12, 1867, and took effect May 1, 1867, (S. & S., 89).

H. B. No. 782—Mr. Groom—To amend section 8, of an act entitled "An act to amend sections 1, 3, 8, 14, 16, 19, 26 and 30, of an act to authorize the Board of County Commissioners to lay out and establish free turnpike roads, and to repeal certain acts therein named," passed and took effect March 29, 1875, passed March 28, 1876, (O. L., vol. 73, p. 96).

H. B. No. 783—Mr. Barnett—To authorize the Commissioners of Richland county to transfer money from the county fund of said county to the bond and interest fund.

H. B. No. 784—Mr. Bohl—To provide for the improvement of the statutes relating to Life, Fire and Accident Insurance Companies.

H. B. No. 785—Mr. Sherrick—To authorize the Commissioners of Stark county to increase the levy for county fund.

H. B. No. 786—Mr. Stryker—To authorize the Commissioners of Hamilton county to levy an additional tax for the completion of Glenway Avenue.

H. B. No. 787—Mr. Nigh—To authorize the Commissioners of Lawrence county to build a bridge across Ice creek, in said county.

H. B. No. 788—Mr. Tryon—To amend section twenty of an act enti-

tled "An act for the assessment and taxation of property in this State, and for levying taxes thereon according to its true value in money," passed April 5, 1869, (S. & C., p. 1447).

H. B. No. 789—Mr. Hostetter—To amend section sixty-four of an act for the reorganization and maintenance of Common Schools, passed May 1, 1873, and amended March 30, 1874, amended February 4, 1875, amended April 12, 1876, (Vol. 73, O. L., p. 243).

H. B. No. 790—Mr. Flaugher—Supplementary to an act entitled an act to authorize the county Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named, passed March 29, 1867, and the acts amendatory thereof.

H B. No. 791—Mr. Hart—For the relief of John Barrington.

H. B. No. 792—Mr. Howland—To authorize the building of a town hall in the village of Jefferson, in Ashtabula county.

H. B. No. 793—Mr. Krimmel—To authorize the Commissioners of Pickaway county, Ohio, to repair or rebuild the bridge across Deer creek at Williamsport, in said county.

H. B. No. 794—Mr. Eylar—To locate the county Infirmary of Adams county, in Tiffin township, of said county, for voting purposes in certain designated cases.

H. B. No. 795—Mr. Flaugher—To authorize the Commissioners of Brown county to levy an additional tax for the payment of county expenses.

H. B. No. 796—Mr. Converse—To amend section one of an act entitled an act to amend section one of the act entitled an "An act to require county Commissioners to construct approaches to bridges," passed April 20, 1874.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 675—Mr. McCoy—For the relief of the official sureties of Jacob B. Koch and John R. Hellman, late treasurers of Wayne county, Ohio.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE GOVERNOR.

The following communication was received from the Governor:

STATE OF OHIO, EXECUTIVE DEPARTMENT.

COLUMBUS, 19TH DAY OF MARCH, 1877.

To the Senate:

I have the honor to nominate, and by and with the advice and consent of the Senate, appoint Horace M. Horton, of Meigs county, to be Trustee of the Athens Hospital for the Insane, for the unexpired term of Dr. Henry West.

Very Respectfully, THOS. L. YOUNG, *Governor.*

Referred to the committee on Benevolent Institutions.

MESSAGE FROM THE GOVERNOR.

THE STATE OF OHIO, EXECUTIVE DEPARTMENT.

COLUMBUS, 16th day of March, 1877.

To the Senate:

I have the honor to nominate, and by and with the advice and consent of the Senate, appoint George W. Baker, of Athens county, to be Trustee of the Athens Hospital for the Insane, for the unexpired term of Hon. Eliakin H. Moore, resigned.

Very Respectfully, THOS. L. YOUNG. *Governor.*

Referred to the committee on Benevolent Institutions.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 692—Mr. Stone—To refund to Jonah F. Robinson, treasurer of Morgan township, Gallia county, and his sureties.

H. B. No. 546—Mr. Beach—To provide for the better protection of society from small pox.

H. B. No. 633—Mr. Hostetter—To amend section seven of an act to authorize the county Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act named therein, as passed March 29, 1867, (O. L., Vol. 64, p. 83), as amended April 11, 1876, (O. L., Vol. 73, p. 169).

H. B. No. 678—Committee on New Counties and County Affairs—To create two election precincts in Plain township, Wood county.

H. B. No. 625—Mr. Duncan—To authorize the trustees of Canaan township, Morrow county, Ohio, to borrow money to enlarge and improve cemetery grounds.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 672—Mr. Scheble—Supplementary to an act to provide for the settlement of the estates of deceased persons," passed March 23, 1840.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

On motion of Mr. Ransom, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

TUESDAY, MARCH 20, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled the following bills:

H. B. No. 675—For the relief of the official sureties of Jacob B. Koch and John B. Helman, late treasurers of Wayne county, Ohio.

H. B. No. 78—To secure to children the benefits of an elementary education.

H. B. No. 543—To authorize the creation of a special school district in Pittsfield township, Lorain county, Ohio.

H. B. No. 394—To provide for the procurement of additional lands for cemetery purposes.

H. B. No. 722—To authorize the transfer of certain funds therein named, now in the the treasury of the city of Warren, Trumbull county, Ohio.

E. L. LYBARGER, THOS. S. LUCCOCK,
J. W. WASHBURN, C. J. SWAN,
T. P. BROWN.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 78—Mr. Richards—To secure to children the benefits of an elementary education.

H. B. No. 675—Mr. McCoy—For the relief of the official sureties of Jacob B. Koch and John R. Helman, late treasurers of Wayne county, Ohio.

Attest: WM. LEONARD, *Clerk.*

The President, in the presence of the Senate, signed said bills.

Mr. Monahan, on leave, offered the following resolution:

S. R. No. 97—*Resolved*, That, with sorrow, we receive the announcement of the death of our brother Senator, Hon. Abner Haines of Preble county, who accidently fell down the stair way at about the hour of 12 o'clock last night, March 19th, at his boarding house, East State street, No. 116, and fractured or dislocated his neck, thereby causing immediate death.

Resolved, That a committee of three be appointed to report such action as shall be deemed fitting to the occasion.

Resolved, That the Senate now take a recess until 2 o'clock to-day, and that the committee appointed be requested to report at that hour.

Mr. Stanton moved that the third resolution referring to recess, be stricken out, and that the words "and have leave to sit during the session," be added to the second resolution.

Which was agreed to.

The resolution as amended was adopted.

Messrs. Monahan, Hudson and Burrows were appointed such committee.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled the following bills:

S. B. No. 322—To authorize the Trustees of the township of Rockport, Cuyahoga county, to issue bonds.

S. B. No. 285—To authorize the Board of Education of the city of Portsmouth to borrow money to build a school house and issue bonds.

S. B. No. 266—To amend section two of an act to better provide for the organization, regulation and management of Hospitals for the Insane.

S. B. No. 189—To authorize and empower the Town Council of the village of Middletown, Butler county, Ohio, to make certain transfers of corporation funds.

S. B. No. 279—To create a sub-school district in Seneca county, Ohio.

C. J. Swan, T. P. Brown,
E. C. Lewis, E. L. Lybarger,
Thos. S. Luccock.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives, in the presence of the House, signed the following bills:

S. B. No. 322—Mr. Schenck—To authorize the Trustees of the township of Rockport, in the county of Cuyahoga, to issue bonds to the amount of six thousand dollars, for the purpose of buying land and to erect and repair suitable buildings thereon for Infirmary purposes.

S. B. No. 189—Mr. Dechant—To authorize and empower the Town Council of the incorporated village of Middletown, Butler county, Ohio, to make certain transfers of the corporation funds of said village.

S. B. No. 279—Mr. Stickney—To create a special school district in Seneca county, Ohio, to be called the Rockaway Special School District.

S. B. No. 266—Mr. Knox—To amend section 2 of an act to better provide for the organization, regulation and management of Hospitals for the Insane, passed March 27, 1876. (Ohio Laws, vol. 73, page 81.)

S. B. No. 285—Mr. Monahan—To authorize the Board of Education of the city of Portsmouth, to borrow money to build a school house, and issue bonds for the payment of the same.

Attest: Wm. Leonard, *Clerk.*

The President, in the presence of the Senate, signed said bills.

S. B. No. 296—Supplementary and amendatory of the act entitled "An act to amend sections two, four and twenty-four of an act entitled 'An act to preserve the purity of elections,'" passed March 20, 1841, (Swan & Critchfield, 543, 544, 547), as amended by the acts of April 15, 1857, (volume 54, Ohio Laws, 136), May 30, 1864, (volume 61, Ohio Laws, 83), and April 15, 1867, (volume 64, Ohio Laws, 151), and to repeal the acts amendatory thereof and supplementary thereto, passed February 15, 1861, (volume 58, Ohio Laws, 17), May 30, 1864, (volume 61, Ohio Laws, 83), April 15, 1867, (volume 64, Ohio Laws, 151), and April 16, 1867, (volume 64, Ohio Laws, 228, 229), as amended April 17, 1868, (Swan & Sayler, 340)—

The special order for this hour, was taken up for further consideration.

Mr. Beatty moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section 5, line 14, after the word "present" add the words "and deliver."

In section 40, line 3, after the figures "1868" add the words and figures "as amended April 3, 1876."

Which was agreed to.

Mr. Beatty on leave, submitted the following report:

The select committee of one to whom was referred S. B. No. 296, with instructions to amend, reports the same back amended as instructed.

W. W. BEATTY.

On demand of Mr. Andrews, a call of the Senate was had.

Thirty-two Senators answered to their names.

Messrs. Burress, Kerr, Lewis and Miller were absent.

All further proceedings under the call were dispensed with.

Mr. Andrews moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Strike out of section one, all after the word "election" in line 10, to the word "and" in line 11, same section.

In section 2, line 1, strike out "township, clerks and;" also, in same line and section, after the word "cities" strike out "and villages."

In line 3, same section, after the word "respective," strike out "townships and towns," and insert "cities."

Strike out in line 4, same section, the words "trustees, or."

Strike out in line 5, same section, "township or town, as the case may be."

Strike out sections 3 and 4.

Mr. Andrews moved that the bill with pending amendments be laid on the table.

Which was agreed to.

Mr. Monahan, on leave, submitted the following report:

The select committee of three appointed to draft resolutions concerning the decease of Abner Haines, Sr., and make arrangements for the removal of his remains to his home at Eaton, Preble county, submit the following resolutions, which they recommend be adopted:

S. J. R. No. 56—*Resolved by the General Assembly of the State of Ohio*, That the sudden and unexpected death of the Honorable Abner Haines, Senator from Preble county, calls for such action of the General Assembly as shall testify to our esteem for the man, as well as respect for the position he occupied.

Resolved, That meeting death as did the deceased, at the post of duty, the State properly assumes the charge and expenses of transmitting his remains to his late residence at Eaton, Ohio.

Resolved, That three members of the Senate, and five members of the House, be selected as pall bearers to take charge of and accompany the remains—they to select one of their number to take the chief direction.

Resolved, That the members of the Senate and House of Representatives be requested to act in a body under the direction of the Sargeant-at-Arms of the Senate and House as a funeral escort from east State Street, No. 116, to the railroad depot at three o'clock P. M. to-day.

Resolved, That the Sargeant-at-Arms of the Senate accompany the committee of escort with the remains to Eaton.

Resolved, That the Sargeant-at-Arms of the Senate be instructed to appropriately trim in mourning, for the remainder of the session, the desk of the deceased Senator.

Resolved, That the General Assembly, in honor of the deceased, and as a mark of respect, adjourn at half-past twelve to-day.

I. T. MONAHAN,
JNO. H. HUDSON,
S. S. BURROWS.

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 33, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—33.

So the resolution was adopted.

Messrs. Monahan, Philson and Williams were appointed as the select committee required thereby—5.

The hour of twelve o'clock M. having arrived, (in pursuance of S. J. R. No. 57), the Senate proceeded to the election of a United States Senator for this State, to fill the vacancy caused by the resignation of John Sherman.

Mr. Johnston nominated for said office Stanley Matthews.

On demand of Mr. Burrows, a call of the Senate was had.

Thirty-three Senators answered to their names.

Messrs. Burress, Kerr and Miller were absent.

All further proceedings under the call were dispensed with.

The Senate then proceeded openly, by *viva voce* vote of eaeh member present, to name a person for Senator from the State of Ohio, in the Congress of the United States, to fill a vacancy caused by the resignation of John Sherman, when the whole number of votes cast by such Senator by the members present was thirty-three, of which number said Stanley Matthews received twenty votes for said office, and thirteen members voted blank.

Those who voted for Stanley Matthews were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent. Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock —20.

The President then declared that a majority of the members of the Senate had cast their votes for Stanley Matthews for said office.

Mr. Beatty moved that S. B. No. 296—Supplementary and amendatory of the act entitled "An act to amend sections 2, 4 and 24 of an act entitled 'an act to preserve the purity of elections,'" passed March 20, 1841, (S. & C., 543, 544, 547), as amended by the acts of April 15, 1857, (vol. 54, O. L., 136), May 30, 1864, (vol. 61, O. L., 83), and April 15, 1867, (vol, 64, O. L., 151), and to repeal the acts amendatory thereof and supplementary thereto, passed February 15, 1861, (vol. 58, O. L., 17), May 30, 1864, (vol. 61, O. L., 83), April 15, 1867, (vol. 64, O. L., 151), and April 16, 1867, (vol. 64, O. L., 228, 229), as amended April 17, 1868, (S. & S., 340).

With pending amendment be taken from the table.

Which was agreed to.

The bill was ordered to be placed on the calendar of to-morrow and made the special order for ten o'clock A. M. of that day.

Mr. Bates, on leave, offered the following joint resolution:

S. J. R. No. 57—*Resolved by the General Assembly of the State of Ohio*, That the two Houses of the General Assembly meet in joint assembly in the hall of the House of Representatives, on Wednesday, March 21, 1877, at twelve M. for the purpose of such action as may be necessary relative to the election of United States Senator.

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 31, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—31.

So the resolution was adopted.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed S. Bs. Nos. 347, 361, 346 and 359.

WM. W. BEATTY,
J. C. SCHENCK,
JAS. W. OWENS.

Mr. Rukenbrod submitted the following report:

The standing committee on Benevolent Institutions to whom was referred H. J. R. No. 93—Relative to the admission of Erastus Sinkler of Trumbull, Ashtabula county, into the Cleveland Hospital for the Insane —having had the same under consideration, report it back, and recommend its adoption.

J. K. RUKENBROD, E. C. LEWIS,
E. T. STICKNEY, J. K. PHILSON.

The question being on the adoption of the resolution the yeas and nays were taken, and resulted—yeas 20, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Owens, Rukenbrod, Spangler, Stickney, Stokes and Swan —20.

Mr. Schenck voted in the negative—1.

So the resolution was adopted.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 722—Mr. McLain—To authorize the transfer of certain funds therein named, now in the Treasury of the city of Warren, Trumbull county, Ohio.

H. B. No. 394—Mr. Barrett—To provide for the procurement of addition lands for cemetery purposes.

H. B. No. 543—Mr. Faxon—To authorize the creation of a special school district in Pittsfield townshid, Loraine county, Ohio.

Attest: WM. LEONARD, *Clerk.*

The President, in the presence of the Senate, signed said bills.

Mr. Kent presented the petition of John Rawling and thirty other citizens of Summit county, relative to the creation of a bureau of statistics of labor.

Which was referred to the committee on Manufactures and Commerce.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 56—Special committee of three—Relative to the death of Abner Haines, Senator from Preble county.

The Speaker has appointed Messrs. Hawley, Grove, Brunner, Thresher and Davies as committee on the part of the House.

Attest: WM. LEONARD, *Clerk.*

On motion of Mr. Burrows, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

WEDNESDAY, MARCH 21, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

Mr. Burns moved that S. B. No. 38—To amend section 104 of the act entitled "An act to establish a code of criminal procedure for the State of Ohio," passed May 6, 1869, and to repeal certain acts therein named—be taken from the table.

Which was disagreed to.

Mr. Burrows, on leave, offered the following resolution:

S. R. No. 97—WHEREAS, It has pleased an inscrutable Providence to remove from our midst, by death, one of our most honored and useful members, Abner Haines, of Preble; therefore,

Resolved, That the President of the Senate appoint a select committee of three, to draft suitable resolutions commemorative of his life and services, and expressive of our deep regret, at the loss of so efficient a member, upon this floor.

Resolved, That said committee when appointed, be, and are hereby instructed to report said resolution to this body on Wednesday, the 28th inst., and that said resolutions be made a special order for 3 o'clock p. m., of said day.

The resolution was adopted.

On motion of Mr. Beatty—

S. B. No. 296—Supplementary and amendatory of the act entitled "An act to amend sections 2, 4 and 24 of an act entitled 'an act to preserve the purity of elections,'" passed March 20, 1841, (Swan & Critchfield, 543, 544, 547), as amended by the acts of April 15, 1857, (volume 54, Ohio Laws, 136), May 30, 1864, (volume 61, Ohio Laws, 83), and April 15, 1867, (volume 64, Ohio Laws, 151), and to repeal the acts amendatory thereof and supplementary thereto, passed February 15, 1861, (volume 58, Ohio Laws, 17), May 30, 1864, (volume 61, Ohio Laws, 83,) April 15, 1867, (volume 64, Ohio Laws, 151), and April 16, 1867, (volume 64, Ohio

Laws, 228, 229) as amended April 17, 1868, (Swan & Sayler, 340) the special order for this hour, was taken up for further consideration, and laid on the table.

On motion of Mr. Burns, S. B. No. 38—To amend section 104 of the act entitled "An act to establish a code of criminal procedure for the State of Ohio," passed May 6, 1869, and to repeal certain acts therein named—was taken from the table.

The question being on concurring in House amendments to said bill, the yeas and nays were taken, and resulted—yeas none, nays 22, as follows:

Those who voted in the negative were—

Messrs. Andrews, Ault, Brown of Ross, Burns, Burress, Burrows, Curtiss, Hudson, Kent, Kerr, Knox, Lewis, Miller, Owens, Reese, Rukenbrod, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—22.

So the amendments were not concurred in.

On motion of Mr. Burns, a message was sent to the House of Representatives, asking for committee of conference on said bill.

The President appointed Messrs. Burrows, Burress and Rukenbrod as the select committee on resolutions in pursuance of S. R. No. 97.

Mr. Lewis moved that S. B. No. 351—To require township trustees of Fairfield township, in the county of Tuscarawas, to open a certain county road through said township—be taken from the table.

Which was agreed to.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Lewis, Miller, Owens, Reese, Rukenbrod, Schenck, Spangler, Stickney, Stokes and Swan—24.

The bill passed. The title was agreed to.

The following bill was introduced on leave, and read the first time:

S. B. No. 366—Mr. Brown of Lucas—To amend section one of an act entitled "An act for the establishment and maintenance of public libraries in certain cities of the first-class," passed and took effect April 18, 1873.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 140—Mr. Swan—To regulate the Ohio Agricultural and Mechanical College in Ohio, and to repeal certain acts therein named.

With the following amendments, in which the concurrence of the Senate is requested:

At end of section 2, (engrossed bill), add the following:

"No trustee or relation of any trustee, by blood or marriage, shall be elected or appointed to a professorship, or any other office or position in the college, or to any place of trust in connection with any monetary interest of the college, the compensation of which is to be paid out of the treasury or the agricultural and mechanical college fund, except upon the approval of the Governor.

"Section 9. In fixing the compensation for the faculty and officers of

said institution, the board of trustees shall make at least, one-third thereof contingent upon the average attendance of pupils during the current year; provided, the maximum for such calculation, shall be an average of five hundred pupils, and the members of the faculty shall be paid pro rata less average than five hundred."

Strike out all of section 9, and add "Section 9. That this act shall take effect and be in force from and after the first day of August, A. D. 1877.

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken and resulted—yeas, 1 nays 30, as follows:

Mr. Stanton voted in the affirmative—1.

Those who voted in the negative were—

Messrs. Andrews, Bates, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines of Carroll, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan and Warnock—30.

So the Senate refused to concur in said amendments.

On motion of Mr. Swan, a message was sent to the House of Representatives, asking for a committee of conference on said bill.

Bills were read the second time and referred as follows:

S. B. No. 365—To provide for the election of defending attorneys, and prescribing their duties.

To the committee on Judiciary.

H. B. No. 692—To refund to Jonah F. Robinson, treasurer of Morgan township, Gallia county, certain money stolen from him.

To the committee on Finance.

H. B. No. 546—To provide for the better protection of society from small-pox.

To the committee on Sanitary Laws and Regulations.

H. B. No. 633—To amend section 7, of an act to authorize the County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act named therein, as passed March 29, 1867, (O. L., vol. 64, p. 83). as amended April 11, 1876, (O. L., vol. 73, p. 169).

To the committee on Roads and Highways.

H. B. No. 678—To create two election precincts in Plain township, Wood county.

To the committee on Privileges and Elections.

H. B. No. 625—To authorize the trustees of Canaan township, Morrow county, Ohio, to borrow money to enlarge and improve cemetery grounds.

To the committee on Judiciary.

H. B. No. 672—Supplementary to an act to provide for the settlement of the estates of deceased persons," passed March 23, 1840.

To the committee on Judiciary.

The following bill was introduced, on leave, and read the first time:

H. B. No. 367—Mr. Groom—To authorize the board of education of the special school district of the incorporated village of Ottawa, Putnam county, Ohio, to levy an additional tax for school purposes.

S. B. No. 368—Mr. Hudson—To authorize the common council of Oak Harbor to borrow money.

S. B. No. 359—To amend an act amendatory to an act entitled "An

act for the organization of common schools," passed March 1, 1873, (O. L., vol. 72, p. 45).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Bates, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Ransom, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Swan and Warnock—25.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 57—Mr. Bates—Providing for a joint meeting of the two Houses, for the election of a United States Senator.

Attest: WM. LEONARD, *Clerk.*

H. B. No. 440—To incorporate an association for the mutual protection of its members against loss by fire.

Was read the third time.

Mr. Johnston moved that the bill be referred to a select committee of one with instructions to amend as follows:

At the end of section 5, add the following, "and said association, when organized, shall be subject to all the restrictions and limitations that are now, or may hereafter be provided by law, for the regulation of fire insurance companies doing business within this State."

Pending the vote on said motion—

The following message was received from the House of Representatives:

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives is now ready to receive the Senate in joint session to proceed in the election of United States Senator, under—

S. J. R. No. 57—Mr. Bates—Providing for a joint meeting of the two Houses, for the election of a United States Senator.

Attest: WM. LEONARD, *Clerk.*

In pursuance of S. J. R. No. 57 the members and officers of the Senate proceededtothe Hall of the House of Representatives.

At the hour of 12 o'clock M. of this day the members of the two Houses of the General Assembly of the State of Ohio convened in joint convention in the Hall of the House of Representatives.

The roll of the Senate was called, and 29 Senators answered to their names.

The roll of the House of Representatives was called, and 93 members answered to their names.

The Journal of the Senate was read by the Clerk of the Senate.

The Journal of the House of Representatives was read by the Clerk of House of Representatives.

The Senate and House of Representatives, being the two Houses of the General Assembly, and it appearing from the reading of said Journals that Stanley Matthews received a majority of all the votes cast in each House for Senator from the State of Ohio in the Congress of the United States of America, to fill the vacancy caused by the resignation of John Sherman, the said Stanley Matthews was declared duly elected such Senator by the President of the Senate, he being the presiding officer of the joint convention in the words following:

Gentlemen of the Joint Convention of the Senate and House of Representatives—

The Journals of your respectiye bodies show that upon Tuesday, March 20, 1877, Stanley Matthews received a majotity of all the votes of the General Assembly for the office of United States Senator, I now therefore declare him duly elected to said office to fill the vacancy occasioned by the resignation of John Sherman.

The business of tne joint convention having been accomplished, the President declared the session dissolved, and the Senators retired to their chamber.

On motion of Mr. Burns the Senate took a recess.

THREE O'CLOCK P. M.

The question being on the motion of Mr. Johnston to refer H. B. No. 440 to a select committee of one with instructions to amend, the yeas and nays were demanded, taken, and resulted yeas 9, nays 23, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Burrows, Johnston, Knox, Lewis, Owens, Ransom, Rukenbrod and Stanton—9.

Those who voted in the negative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Curtiss, Ellis, Haines, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Miller, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan and Warnock—23.

So the motion was disagreed to.

Mr. Ransom moved that the bill be laid on the table.

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 23, nays 8, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Curtiss, Ellis, Haines, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Miller, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan and Warnock—23.

Those who voted in the negative were—

Messrs. Bates, Burrows, Johnston, Knox, Lewis, Owens, Ransom and Rukenbrod—8.

So the bill passed. The title was agreed to.

This being the hour for the further consideration of the contested election case of Cox *vs.* Harmon, the President declared that to be the business before the Senate.

Mr. Andrews offered the following resolution:

S. R. No. 98—*Resolved by the Senate of the State of Ohio*, That the further

consideration of the contested election case of Cox *vs.* Harmon be postponed until 3 o'clock P. M. of Tuesday, March 27, 1877.

Mr. Stanton gave notice of an intention to discuss the provisions of said resolution, and the resolution was, under the rule, laid on the table.

Mr. Andrews moved tnat the further consideration of said case be postponed until 10 o'clock A. M., Wednesday next.

On which motion the yeas and nays were demanded, taken and resulted—yeas 14, nays 13, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Burress, Ellis, Haines, Hudson, Kerr, Lewis, Miller, Owens, Sheridan, Stickney and Stokes—14.

Those who voted in the negative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Spangler, Stanton, Swan and Warnock—13.

So the motion was agreed to and the case so adjourned.

Mr. Kessler moved that H. B. No. 657—amendatory of an act entitled "An act to authorize the Commissioners of Hamilton and Clermont counties to build a bridge over the Little Miami river" (O. L., Vol. 73, p. 286) be taken from the table.

Which was disagreed to.

S. B. No. 332—Supplementary to an act entitled "An act to amend sections 97, 643, 649, 650 and 656 of an act entitled an act to provide for the organization and government of municipal corporations," passed May 7, 1869 (Vol. 66, p. 165), and section 663 of said act, as amended April 18, 1870 (Vol. 67, p. 85), passed April 8, 1876 (Vol. 73, p. 125).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 24, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Ransom, Rukenbrod, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—24.

Those who voted in the negative were—

Messrs. Burns and Owens—2.

So the bill passed. The title was agreed to.

S. B. No. 361—To amend section 3 of an act to provide for the equalization of the valuation of bank shares for taxation, passed April 12, 1876 (O. L., Vol. 73, p. 251).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Brown of Ross, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Swan and Warnock—25.

So the bill passed. The title was agreed to.

On motion of Mr. Kessler, H. B. No. 657—amendatory of an act entitled "An act to authorize the Commissioners of Hamilton and Clermont counties to build a bridge over the Little Miami river, (O. L." Vol. 73, p. 286)—was taken from the table.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Swan and Warnock—28.

So the bill passed. The title was agreed to.

S. B. No. 346—To amend section 70 of an act entitled "An act to establish a code of civil procedure," passed March 11, 1853, and amended April 3, 1862 (S. & S., p. 543), as amended February 11, 1874 (O. L., Vol. 71, p. 4).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Owens, Ransom, Schenck, Spangler, Stanton, Stickney, Swan and Warnock—27.

So the bill passed. The title was agreed to.

H. B. No. 574—To create the office of court interpreter in certain judicial districts.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 24, nays 4, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Ellis, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes and Swan—24.

Those who voted in the negative were—

Messrs. Curtiss, Kessler, Owens and Warnock—4.

So the bill passed. The title was agreed to.

S. B. No. 347—To authorize the Commissioners of Jackson county to transfer certain funds to the poor fund of said county.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross,, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Owens, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Swan and Warnock—25.

So the bill passed. The title was agreed to after being amended as follows:

Insert between the words "poor" and "funds" the words "and county."

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed, S. B.'s No's. 319 and 300.

Wm. W. Beatty,
J. C. Schenck,
H. V. Kerr.

S. B. No. 319—For the relief of Thomas H. Farmilton, was taken from the calendar and ordered to be read the third time to-morrow.

S. B. No. 300—To provide for an inebriates' home, was taken from the calendar.

The further consideration of the bill was postponed until Thursday, March 30.

The following bills were introduced, on leave, and read the first time:

S. B. No. 369—Mr. Andrews—To create a special school district in sub-district No. 4, of Miami township, Mercer county, Ohio.

S. B. No. 370—Mr. Andrews—Supplementary to the several acts prescribing the powers and duties of notaries public.

S. B. No. 371—Mr. Bates—Supplementary to an act to provide for the creation and regluation of incorporated companies in the State of Ohio, passed May 1, 1852.

S. B. No. 372—Mr. Stanton—To create a special district in Marion township, Morgan county, Ohio.

S. B. No. 373—Mr. Stanton—To amend section 10 of an act for opening and regulating roads and highways, passed January 27, 1853 S. & C., p. 1,293).

Mr. Kessler presented the petition of W. V. Clark and forty other citizens on the line of the Miami and Erie canal, asking for a committee to investigate the condition thereof.

Which was referred to the committee on Public Works.

Mr. Curtiss, on leave, offered the following joint resolution:

S. J. R. No. 58—*Resolved by the General Assembly of the State of Ohio,*—(three-fifths of the members elected to each House agreeing thereto)—That the following be, and the same are hereby severally proposed to the electors of Ohio for their approval or rejection at the general election in October, 1877, to-wit:

1—Regular elections for State and County Officers, members of the General Assembly, and Representatives in Congress, shall be held on the Tuesday next after the first Monday of November. But the General Assembly may, by law concurred in by three-fifths of the members elected to each House, and to take effect after one year from its passage, change the time of holding any such election.

2—For the purpose of establishing bi-ennial general elections, the General Assembly may, by law concurred in by three-fifths of the members elected to each House, and to take effect one year from its passage, increase or diminish the term of any office, prescribed in the constitution by one year.

Resolved, further; That those voting for the former amendment shall have on their ballots the words "For November Election;" and those voting against the same the words "Against November Election." And those voting for the latter amendment shall have on their ballots the words "For biennial election;" and those voting against the same, the words "Against bi-ennial Election."

The resolution was laid on the table and ordered to be printed.

Mr. Burress, submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 364—For the relief of James F. Coffield and his sureties, treasurer of

Patterson township, Darke county—having had the same under consideration, report it back and recommend its passage.

J. H. Bates, Geo. W. Andrews,
W. R. Warnock, C. J. Swan,
N. P. Burress.

The bill was ordered to be engrossed at the Clerk's desk and read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 19, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Lucas, Burress, Curtiss, Ellis, Haines, Hudson, Johnston, Kerr, Knox, Lewis, Owens, Sheridan, Spangler, Stickney, Stokes and Swan—19.

Those who voted in the negative were—

Messrs. Burns, Kessler and Kleinschmidt—3.

So the bill passed. The title was agreed to.

Mr. Swan submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 393—To amend section eleven of an act to amend sections 1, 2, 4, 5, 6 and 11 of an act to authorize county Commissioners to construct roads on petition of a majority of resident land owners—having had the same under consideration, report it back and recommend its passage.

C. J. Swan, W. R. Warnock,
N. P. Burress, Geo. W. Andrews,
A. M. Burns.

The bill was ordered to be read the third time Tuesday.

Mr. Warnock submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 548—To amend section eleven of an act entitled an act authorizing and regulating arbitrations, passed February 17, 1831, (S. & C., p. 80)—having had the same under consideration, report it back and recommend its passage.

J. H. Bates, W. R. Warnock,
C. J. Swan, Geo. W. Andrews,
N. P. Burress.

The bill was ordered to be read the third time Tuesday.

Mr. Burns submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 694—To amend section sixty-two of an act entitled an act to provide for the organization and government of Municipal Corporations, passed May 7, 1869, (O. L., Vol. 66, p. —), as amended April 4, 1872, (O. L., 69, p. 64)—having had the same under consideration, report it back and recommend its passage.

A. M. Burns, Wm. Miller,
H. Kessler, J. C. Schenck,
James W. Owens, T. P. Brown.

The bill was ordered to be read the third time to-morrow.

Mr. Burns submitted the following report:

The standing committee on Municipal Corporations, to whom was re-

ferred H. B. No. 604—To authorize the trustees of Paris township, Union county, Ohio, to join with the council of the incorporated village of Marysville, Ohio, in the purchase of grounds for cemetery purposes, and to levy a tax, issue bonds, and borrow money to pay therefor—having had the same under consideration. report it back and recommend its passage.

A. M. Burns, R. E. Reese,
Wm. Miller, James W. Owens.

The bill was ordered to be read the third time to-morrow.

Mr. Burress submitted the following report:

The committee on Judiciary, to whom was referred S. B. No. 282—To amend section one of an act entitled "An act providing for the election of county Auditors, and prescribing their duties," passed April 18, 1870—having had the same under consideration, report it back and recommend its passage.

J. H. Bates, Geo. W. Andrews,
W. R. Warnock, C. J. Swan,
N. P. Burress.

The bill was ordered to be read the third time to-morrow.

Mr. Swan submitted the following report:

The committee on Public Works, to whom was referred H. J. R. 95—Requesting the Board of Public Works to report forthwith the rate of tolls, and exemption on the Western Reserve and Maumee road—having had the same under consideration, report it back and recommend its adoption.

M. Kent, R. Stanton,
C. J. Swan, A. L. Brown,
Wm. Miller.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Owens, Ransom, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—27.

So the resolution was adopted.

Mr. Burns submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 727—To authorize the transfer of certain funds of the village of Garrettsville, Portage county—having had the same under consideration, report it back and recommend its passage.

A. M. Burns, J. C. Schenck,
H. Kessler, T. P. Brown,
Wm. Miller.

The bill was ordered to be read the third time to-morrow.

Mr. Burns submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 733—To authorize council of incorporated village of Coshocton to transfer certain funds therein named to the cemetery fund of said vil-

lage—having had the same under consideration, report it back and recommend its passage.

A. M. Burns, T. P. Brown,
H. Kessler, Wm. Miller,
J. C. Schenck.

The bill was ordered to be read the third time to-morrow.

Mr. Burns submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 368—To require marshals of cities of the second class to keep a record of all property that falls into their hands, and account for the same to the Mayor—having had the same under consideration, report it back and recommend its passage.

A. M. Burns, J. C. Schenck,
H. Kessler, T. P. Brown,
Wm. Miller.

The bill was ordered to be read the third time to-morrow.

Mr. Burns submitted the following report:

The committee on Municipal Corporations, to whom was referred S. B. No. 349—For the relief of Peter Weikert—having had the same under consideration, report it back and recommend its passage.

T. P. Brown, H. Kessler,
R. E. Reese, Wm. Miller.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Bates submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 328—To provide for the platting and recording of fractions of land—having had the same under consideration report it back and recommend its passage.

J. H. Bates, James W. Owens,
Geo. W. Andrews, W. R. Warnock,
A. M. Burns, C. J. Swan,
N. P. Burress.

The bill was ordered to be read the third time to-morrow.

Mr. Bates submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 336—To authorize the Commissioners of Jackson county to lease part of the Public Square in the incorporated village of Jackson, for certain purposes—having had the same under consideration, report it back and recommend its passage.

J. H. Bates, Geo. W. Andrews,
W. R. Warnock, A. M. Burns,
C. J. Swan, N. P. Burress.

The bill was ordered to be engrossed and read the third time Wednesday.

Mr. Swan submitted the following report:

The committee on Public Works, to whom was referred S. B. No. 295—To regulate the letting of contracts for the doing of Public Works, and

the better protection of mechanics—having had the same under consideration, report it back without recommendation.

M. KENT, R. STANTON,
C. J. SWAN, A. L. BROWN,
JAMES W. OWENS.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Andrews submitted the following report:

The committee on Judiciary, to whom was referred H. B. No. 334—Supplementary to the act entitled an act regulating descents and the distributions of personal estates, passed March 14, 1853, and to the various acts amendatory thereof, having had the same under consideration, report it back, with following amendment, and recommend its passage when so amended:

In line 5, section 1, strike out the word "amendatory," and insert "supplementary."

GEO. W. ANDREWS, A. M. BURNS,
N. P. BURRESS, C. J. SWAN,
W. R. WARNOCK.

The amendment was agreed to.

The bill was ordered to be engrossed, and read the third time to-morrow.

Mr. Brown of Lucas, submitted the following report:

The standing committee on Municipal Corporations to whom was referred S. B. No. 276—To amend an act entitled an act limiting the rate of taxation in municipal corporations, (O. L., vol. 73, p. 222), having had the same under consideration, report it back, with following amendments, and recommend its passage when so amended:

In section 648, line 9, after the word "and" strike out "including" and insert "excluding."

In line 10, same section, strike out after the word "year" to the word "provided," in line 12, and insert the following:

"In cities of the first class having a population of one hundred and fifty thousand inhabitants or more, twelve mills, and such further rate in addition thereto, as may be necessary to provide for the payment of the interest and create a sinking fund for the redemption of bonds issued and that may be issued under the act entitled an act relating to cities of the first class, having a population exceeding one hundred and fifty thousand inhabitants, passed May 4, 1869, and all acts amendatory or supplementary thereof.

In cities of the first class having a population of eighty and less than one hundred and fifty thousand inhabitants, eleven mills, and such further rate in addition thereto as may be necessary to pay the interest on the public debt, and for cemetery purposes, as is provided for by law.

In cities of the first class, having a population over thirty and less than eighty thousand inhabitants, 16 8-10 mills, provided, however, that out of such funds the interest on the indebtedness of such corporations shall be paid first.

In cities of the second class, having a population over thirty thousand inhabitants and less than eighty thousand inhabitants, 9 5-10 mills.

In cities of the second class, having a population over ten thousand inhabitants and less than thirty thousand inhabitants, 12 mills.

In all other cities of the second class, 9 mills.

In incorporated villages, having a population over three thousand inhabitants, 8 mills, and in all other incorporated villages, 10 mills on each dollar of the value of any property as valued for taxation on the county duplicate.

T. P. BROWN, H. KESSLER,
A. M. BURNS, N. P. BURRESS,
J. C. SCHENCK.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Warnock submitted the following report:

The standing committee on Corporations other than Municipal to whom was referred S. B. No. 320—Supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, having had the same under consideration, report it back and recommend its passage.

W. R. WARNOCK, R. STANTON,
GEO. W. ANDREWS, R. E. REESE,
J. R. JOHNSTON.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Warnock submitted the following report:

The standing committee on Corporations other than Municipal to whom was referred H. B. No. 631—To authorize the Council of the incorporated village of Lebanon, Warren county, Ohio, to contract for the building of, and to build a public hall, corporation prison and corporation offices connected therewith, as provided for by the resolutions and ordinances passed by the council of said village, and to execute issue and sell the bonds authorized to be executed, issued and sold by an ordinance of said village, having had the same under consideration, report it back, and recommend its passage.

W. R. WARNOCK, R. STANTON,
WM. W. BEATTY, GEO. W. ANDREWS,
J. R. JOHNSTON.

The bill was ordered to be read the third time to-morrow.

Mr. Beatty submitted the following report:

The standing committee on Public Printing to whom was referred H. J. R. No. 78—Providing for the printing in German and distribution of 1,500 copies of the School Commissioner's Report for the year 1876, having had the same under consideration, report it back, and recommend its indefinite postponement.

WM. W. BEATTY, SAMUEL KNOX,
C. J. SWAN, J. K. RUKENBROD,
N. P. BURRESS.

The resolution was indefinitely postponed.

Mr. Beatty submitted the following report:

The standing committee on Public Printing to whom was referred H. B. No. 252—To amend section 1 of an act entitled an act to provide for the publication of the number of horses, cattle, sheep, hogs, and other animals returnable for taxation, passed March 16, 1869, (O. L. vol. 66, p.

26,) having had the same under consideration, report it back and recommend its passage.

WM. W. BEATTY, C. J. SWAN,
SAMUEL KNOX, J. K. RUKENBROD,
N. P. BURRESS.

The bill was ordered to be read the third time to-morrow.

Mr. Beatty submitted the following report:

The standing committee on Public Printing to whom was referred H. B. No. 549—To amend section 1 of an act entitled an act to provide for the execution and supervision of State printing and binding, passed and took effect March 24, 1860, having had the same under consideration, report it back, and recommend its passage.

WM. W. BEATTY, C. J. SWAN,
SAMUEL KNOX, J. K. RUKENBROD,
N. P. BURRESS.

The bill was ordered to be read the third time to-morrow.

Mr. Beatty submitted the following report:

The standing committee on Public Printing to whom was referred S. J. R. No. 50—Providing for printing the Report of the State Commissioner of Common Schools in the German language, having had the same under consideration, report it back and recommend its indefinite postponement.

W. W. BEATTY, C. J. SWAN,
SAMUEL KNOX, J. K. RUKENBROD,
N. P. BURRESS.

The resolution was indefinitely postponed.

Mr. Kleinschmidt submitted the following report:

The select committee of four to whom was referred H. B. No. 219, having had the same under consideration report it back with the following substitute and recommend its passage when so amended.

SUBSTITUTE FOR HOUSE BILL NO. 219—SELECT COMMITTE OF FOUR.

To amend section 2 of an act entitled "an act to provide for the organization and government of Municipal Corporations," passed May 7, 1869, passed February 10, 1870, (O. L. vol. 67, p. 7,) and to repeal an act entitled an act to extend the provisions of an act entitled an act supplementary to an act to provide for the organization and government of municipal corporations, passed February 10, 1870, amended January 29, 1873, to cities of the first class which have been advanced to that grade during decennial periods, passed March 30, 1874. (O. L. vol. 71, page 49.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two, of an act entitled "an act to provide for the organization and government of municipal corporations," passed May 7, 1869, be so amended as to read as follows:

SEC. 2. The Board of Aldermen shall consist of eighteen members, to be elected at large by the qualified electors of such city to serve for the term of three years; six of said members to be elected annually, at each municipal election held in said city, except that at the first municipal election held in such city after the passage of this act, eighteen members shall be elected, the six receiving the highest number of votes shall

serve for three years, and the six receiving the next highest number of votes shall serve for two years, and the six receiving the next highest number of votes shall serve for one year; and in case two or more shall receive the same number of votes, their respective terms of office shall be determined by lot, and six members shall be elected annually thereafter, in every such city, to serve for the term of three years as aforesaid.

And when the members of the Board of Aldermen of any such city shall be elected and qualified in the manner above provided, the terms of office of all members of any Board of Aldermen now existing in any such city affected by this act, shall cease and determine.

The Board of Councilmen of any such city shall consist of one member from each ward, to be elected by the qualified electors thereof, to serve for the term of two years.

The first election under this act for members of said Board of Aldermen shall take place at the regular annual municipal election held in such city in 1877. The members of the Board of Councilmen now existing in any such city, shall constitute the Board of Councilmen of said city, until their several terms of office shall expire, and no election of Councilmen shall be held in such city, excepting to fill vacancies for unexpired terms, until the regular annual municpal election held in such city in 1878, and said Board of Aldermen and said Board of Councilmen so provided for, shall, together, form the Common Council of such city. Provided, however, that in all cities of the first class, that have been advanced to that grade during decennial periods, the Board of Aldermen therein shall consist of one member from each ward, who shall be elected to serve for the term of two years, and the Board of Councilmen therein shall consist of two members from each ward, who shall be elected to serve for the term of two years; said Board of Aldermen and said Board of Councilmen to constitute the Common Council of such city.

The members of existing Boards of Aldermen and Boards of Councilmen in such last named cities, to continue in office until their terms of office shall expire.

And the provisions of this act, with its amendments, to which this act is amendatory, shall, in all other respects, apply to said last named cities.

SEC. 2. All laws inconsistent herewith, are hereby declared to be inoperative in cities affected by this act.

And the act entitled an act to extend the provisions of an act entitled an act supplementary to an act to provide for the organization and government of municipal corporations, passed February 10, 1870, amended January 29, 1873, to cities of the first class, which have been advanced to that grade during decennial periods,,passed March 30, 1874, (O. L. vol. 71, p. 49,) and also original section two of the act of which this act is amendatory, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

E. F. KLEINSCHMIDT, J. H. BATES,
E. P. RANSOM, H. KESSLER.

The amendments were agreed to and ordered to be engrossed.
The bill was ordered to be read the third time to-morrow.
On motion of Mr. Schenck the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

THURSDAY, MARCH 22, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. W. E. Moore.

The journal was read and approved.

Mr. Monahan asked and obtained leave to record his vote on the passage of H. B. No. 347. His name being called he voted in the affirmative.

Mr. Beatty submitted the following report:

The standing committee on revision has examined and found correctly engrossed, S. Bs. Nos. 320, 295, 336, 228, 282, 349, 276, 219; H. B. No. 334.

WM. W. BEATTY,
J. C. SCHENCK,
JAMES W. OWENS.

The following communication was received from the Governor—

MESSAGE FROM THE GOVERNOR.

THE STATE OF OHIO, EXECUTIVE DEPARTMENT.

COLUMBUS, 21ST DAY OF MARCH, 1877.

To the Senate:

I have the honor to nominate, and by and with the advice and consent of the Senate, appoint Charles C. Walcutt, of Franklin County, to be Director of the Penitentiary for the period of three years from and after April 1, 1877.

Very respectfully,
THOS. L. YOUNG, *Governor.*

Referred to the committee on Penitentiary.

S. B. No. 319, for the relief of Thomas H. Farmilton, was read the third time.

Mr. Burress moved that the bill be referred to a select committee of one, with instructions to amend as follows: At the end of Section 1 add the following, "or if upon due investigation by the directors, or trustees, of said special school district, they be satified that the said Treasurer paid said sums of money out of his own individual funds, then said directors, or trustees, of said special school district are hereby authorized to refund to said Treasurer said sum of money out of the school fund of said district, so as aforesaid paid.

Second—Strike out all of section 2.

Third—Strike out the letters "sec" and figure "3" in section 3, and insert "section 2."

Which was agreed to.

Mr. Burress was appointed such select committee.

Mr. Burress, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 319, with instructions to amend, reports the same back amended as instructed.

N. P. BURRESS.

Mr. Ransom moved that the bill be referred to a select committee of one with instructions to amend as follows:

At end of section 1 insert the following:

Provided, that the question of releasing or reimbursing said Thomas H. Farminton, as the case may be, shall be submitted to the qualified electors of said special school district at the next election held therein

for school purposes, and if a majority of said electors shall vote in favor thereof, then said release or reimbursement shall obtain, and not otherwise.

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 24, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Kerr, Kleinschmidt, Knox, Lewis, Miller, Owens, Schenck, Sheridan, Spangler, Stickney, Stokes and Williams—24.

Those who voted in the negative were—

Messrs. Burns, Kessler, Monahan, Ransom and Warnock— 5.

So the bill passed. The title was agreed to.

H. B. No. 439, To authorize the commissioners of Ross county to build a a bridge across the Scioto river, and to levy a tax for that purpose, was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 25, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Kent, Kessler, Kleinschmidt, Knox, Lewis, Owens, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney Stokes, Warnock and Williams—25.

Mr, Ransom voted in the negative—1.

The bill passed. The title was agreed to.

H. B. No. 694, to amend section sixty-two of an act entitled "an act to provide for the reorganization and government of municipal corporations," passed May 7, 1869 (Ohio Laws, volume 66, page —), as amended April 4, 1872. (Ohio Laws, volume 69, page 64.) was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Brown of Ross, Burns, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—29.

So the bill passed. The title was agreed to.

H. B. No. 604, To authorize the trustees of Paris township, Union county Ohio, to join with the council of the incorporated village of Marysville, Ohio, in the purchase of grounds for cemetery purposes, and to levy a tax, issue bonds, and borrow money to pay therefor, was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes and Williams—30.

So the bill passed. The title was agreed to.

On motion of Mr. Andrews, the order whereby S. B. No. 282, to amend section one of act entitled "an act providing for the election of county auditors, and prescribing their duties," passed April 18, 1870, was set for third reading to-day, was discharged. The bill was ordered to be read the third time Wednesday.

H. B. No. 727, To authorize the transfer of certain funds of the village of Garrettsville, Portage county, Ohio, was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—31.

The bill passed. The title was agreed to.

H. B. No. 733, To authorize the council of the incorporated village of Coshocton to transfer certain funds therein named to the cemetery fund of said village, was read the third time.

The question being "shall the bill pass?" the yeas and nays were taken, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—29.

The bill passed. The title was agreed to.

H. B. No. 368, To require marshals of cities of second class to keep a record of all property that falls into their hands, and account for the same to the mayor, was read the third time.

The question being "shall the bill pass?" the yeas and nays were taken, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Burns, Burress, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler Kleinschmidt, Knox, Lewis, Monahan, Owens, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—28.

So the bill passed. The title was agreed to.

S. B. No. 349, For the relief of Peter Weikert, was read the third time.

Mr. Johnston moved that the bill be referred to a select committee of one with instructions to amend as follows:

In line 11 of section 1, after the word "regular" strike out the words "or special."

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 26, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Rukenbrod, Sheridan, Spangler, Stickney, Stokes, Swan and Williams—26.

Messrs. Burns, Johnston and Ramsom voted in the negative—3.

So the bill passed. The title was agreed to.

S. B. No. 328, To provide for the platting and recording of fractions of land, was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—28.

So the bill passed. The title was agreed to.

Mr. Burrows moved that the Senate take a recess, which was disagreed to.

Mr. Burns, on leave, submitted the following report:

The joint committee appointed to consider the cause, or causes, of the Ashtabula bridge disaster, submit the following report. (See appendix for full report.)

L. A. Brunner,
W. P. Wiltsee,
Geo. L. Converse,
E. A. Sone,
I. M. Barrett,
House Committee.

A. M. Burns,
T. P. Brown,
Senate Committee.

The report was laid on the table.

S. B. No. 295—To regulate the letting of contracts for the doing of public work, and the better protection of mechanics.

Was read the third time.

On motion of Mr. Burrows the Senate took a recess.

THREE O'CLOCK P. M.

The President announced that the vacancies in the several committees, occasioned by the death of Abner L. Haines, would be filled by the following Senators;

On the committee on Corporations other than Municipal, Mr. Williams; on Federal Relations, Mr. Lewis; on Manufactures and Commerce. Mr. Haines, (of Carroll); on Penitentiary, Mr. Hudson; and on Sanitary Laws and Regulations, Mr. Sheridan.

The question being on the passage of S. B. No. 295, the yeas and nays were taken, and resulted—yeas 19, nays 10, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Burress, Curtiss, Haines, Hudson, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Ransom, Sheridan, Stickney, Stokes, Warnock and Williams—19.

Those who voted in the negative were—

Messrs. Beatty, Brown of Ross, Burns, Kent, Miller, Owens, Rukenbrod, Schenck, Spangler and Stanton—10.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 52—Mr. Monahan—Endorsing the principles and measuris expressed by President R. B. Hayes, in his letter of acceptance and inaugural address.

Attest: WM. LEONARD, *Clerk.*

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following joint resolutions:

S. J. R. No. 57—Providing for a joint meeting of the two Houses for the election of a United States Senator.

S. J. R. No. 53—Relative to the election of a United States Senator, *vice* John Sherman resigned.

C. J. SWAN, T. P. BROWN,
H. V. KERR, E. L. LYBARGER,
THOS. S. LUCCOCK.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following joint resolutions:

S. J. R. No. 53—Mr. Johnston—Relative to the election of a United States Senator, *vice* John Sherman resigned.

S. J. R. No. 57—Mr. Bates—Providing for a joint meeting of the two Houses for the election of a United States Senator.

Attest: WM. LEONARD, *Clerk.*

The President, in the presence of the Senate, signed said joint resolutions.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced into the House of Representatives and read the first time:

H. B. No. 797—Mr. Beach—To authorize the trustees of Darby township, Madison county, to transfer certain funds mentioned therein.

H. B. No. 798—Mr. Neal—To authorize the council of municipal corporations, to require new bonds to be given by municipal officers in certain cases.

H. B. No. 799—Mr. Bowen—To provide for the abandonment of a certain portion of the Hocking canal, lying between the first lock below and east of Nelsonville, and the village of Chancey, Athens county, Ohio.

H. B. No. 800—Mr. Bowen—To amend an act entitled "An act to amend the first section of an act to amend the fourth, fifth and sixth sections of an act passed April 30, 1852, entitled 'an act to provide for the election of prosecuting attorneys, and prescribing their duties' as amended April 30, 1862," passed April 13, 1865, passed March 17, 1873, (O. L., vol. 70, p. 67).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bill has been introduced in the House of Representatives and read the first time:

H. B. No. 801—Mr. Hitchcock—To revise, consolidate and amend the statutes relating to benevolent institutions, to be known as part first, title 5, benevolent institutions, of the act to revise and consolidate the general statutes of Ohio."

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 350—Mr. Andrews—To authorize the Commissioners of Van Wert county to make a temporary loan.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 334—Mr. Lewis—To authorize the Commissioners of Tuscarawas county, Ohio, to make compensation to George W. Ellis as watch at the county jail of said county.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 641—Mr. Cowgill—To amend section one of an act supplementary to an act to provide for the divison of townships into election precincts, passed March 14, 1853, passed April 12, 1858, (S. & C., p. 1575).

H. B. No. 729—Mr. Myers—Defining the jurisdiction of the probate court of Ashland county in criminal cases.

H. B. No. 783—Mr. Barrett—To authorize the Commissioners of Richland county to transfer money from the county fund of said county to bond and interest fund.

H. B. No. 772—Mr. Breck—To authorize the trustees of Middleburg township, Cuyahoga county, to levy a tax for certain purposes mentioned therein.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 554—Mr. Hodge—Supplementary to the act for the establishment, support and regulation of Children's Homes in the several counties and Children's Home districts in this State, and to repeal certain acts therein named, passed March 22, 1876, (O. L., vol. 73, p. 64).

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 53—Mr. Johnston—Providing for the election of a United States Senator, *vice* John Sherman resigned.

Attest: WM. LEONARD, *Clerk.*

The following communication was received from the Governor:

MESSAGE FROM THE GOVERNOR.

THE STATE OF OHIO, EXECUTIVE DEPARTMENT,

COLUMBUS, 22D DAY OF MARCH, 1877.

To the Senate:

I have the honor to nominate, and by and with the advice and consent of the Senate appoint, Samuel Taylor, of Logan county, to be Trustee of the Institution for the Education of the Deaf and Dumb, for the period of three years from and after the 6th day of April, 1877.

Very respectfully,

THOS. L. YOUNG, *Governor.*

Referred to the committee on Benevolent Institutions

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 754—Mr. Bundy—To amend an act entitled "An act to authorize Trustees of townships to appropriate lands for cemetery purposes," passed and took effect April 3, 1867, (S. & S., page 912).

H. B. No. 757—Mr. Wales—For the relief of Wm. Vandoren, Treasurer of Washington township, Warren county, Ohio.

H. B. No. 770—Mr. Scheble—To amend an act entitled an act to amend an act entitled "An act to enable the Common Council of any city or incorporated village in this State, having a population of twenty-five hundred inhabitants or more, through which any of the canals of this

State may run, or for the Board of County Commissioners of the county in which such city or incorporated village may be situate, to construct and maintain for public use a swing bridge or self-closing bridge on any highway where the same crosses such canal within the territory of said city or incorporated village," passed April 16, 1874 (O. L., vol. 71, p. 84), passed March 29, 1875 (O. L., vol. 72, p. 110).

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 744—Mr. Ullery—To authorize the Commissioners of Miami county to levy a tax on certain townships and incorporated villages in said county for the payment of certain indebtedness.

H. B. No. 724—Mr. Thresher—To amend the second section of the act entitled "An act requiring compensation for causing death by wrongful act, neglect or default," passed March 25, 1851, (S. & C., page 1139), as amended March 7, 1872, (volume 69, page 22).

H. B. No. 725—Mr. Hostetter—To provide for the straightening, clearing out, widening, deepening, and otherwise improving Stillwater ditch and creek, also, its tributaries in Darke county, Ohio.

H. B. No. 716—Mr. Thresher—To amend an act entitled "An act supplementary to an act entitled an act regulating the mode of administering assignments in trust for the benefit of creditors," passed April 6, 1859, passed March 31, 1876, (O. L., volume 73, page 101).

H. B. No. 726—Mr. Hostetter—To authorize the County Commissioners of Darke county to levy a tax to pay off an existing indebtedness on the fair grounds of said county.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested—

H. B. No. 787—Mr. Nigh—To authorize the Commissioners of Lawrence county to build a bridge across Ice Creek in said county.

H. B. No. 777—Mr. Huberich—To amend section fifty-six of an act entitled "An act for the reorganization and maintenance of common schools," passed and took effect May 1, 1873, (O. L., volume 70, page 211).

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which

the concurrence of the Senate is requested:

H. B. No. 735—Mr. Bogardus—To locate a special school district in the townships of Greenwich and Ripley, Huron county, Ohio.

Attest: WM. LEONARD, *Clerk*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 665—Mr. Wiltsee—To provide for the cleaning of sewers, catch basins, avenues, streets, alleys, market places, wharves, etc., in cities of the first class, having a population of more than one hundred and fifty thousand at the last federal census.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

H. B. No. 334—Supplementary to an act entitled "An act regulating descents and the distribution of personal estates," passed March 14, 1853, (Swan & Critchfield, page 501), and to the various acts amendatory thereof.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 26, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—26.

The bill passed. The title was agreed to.

S. B. No. 276—To amend an act entitled "An act limiting the rate of taxation in municipal corporations," (Ohio Laws, volume 73, page 222).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 24, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Schenck, Spangler, Stickney, Stokes and Williams—24.

Messrs. Monahan and Reese voted in the negative—2.

So the bill passed. The title was agreed to.

On motion of Mr. Bates the order whereby—

S. B. No. 320—Supplementary to "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, (Swan & Critchfield, 271), was set for third reading to-day, was discharged, and the bill was ordered to be read the third time Wednesday.

H. B. No. 631—To authorize the council of the incorporated village of Lebanon, Warren county, Ohio, to contract for the building of and to build, a public hall, corporation prison and corporation offices connected

therewith, as provided for by the resolutions and ordinances passed by the council of said village, and to execute, issue and sell the bonds authorized to be executed, issued and sold, by an ordinance of said village, passed January 18, 1875.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 28, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens. Ransom, Reese, Schenck, Spangler, Stickney, Stokes, Warnock and Williams—28.

The bill passed. The title was agreed to.

H. B. No. 252—To amend section one of an act entitled an act to provide for the publication of the number of horses, cattle, sheep, hogs, and other animals returnable for taxation, passed March 16, 1869, (Ohio Laws, vol. 66, page 26).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 24, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Ransom, Schenck, Spangler, Stickney, Warnock and Williams—24.

So the bill passed. The title was agreed to.

H. B. No. 549—To amend section one of an act entitled "An act to provide for the execution and supervision of the state printing and binding," passed and took effect March 24, 1860.

Was read the third time.

The question being, "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 24, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Boss, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Kent, Kessler, Kleinschmidt, Knox, Lewis, Kansom, Reese, Schenck, Spangler, Stickney, Stokes, Warnock and Williams—24.

So the bill passed. The title was agreed to.

On motion of Mr. Bates the order whereby—

H. B. No. 219—To amend section two of an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869, passed February 10, 1870, (Ohio Laws, volume 67, p. 7), and to repeal an act to extend the provisions of said act of February 10, 1870, passed March 30, 1874, (Ohio Laws, volume 71, page 49), was set for third reading to-day, was discharged, and the bill was ordered to be read the third time Wednesday.

The following bills were introduced, on leave, and read the first time:

S. B. No. 374—Mr. Hudson—To authorize the council of the incorporated village of Bellevue to issue bonds for the completion of town hall and fire engine house.

S. B. No. 375—Mr. Lewis—Supplementary to the act to require mortgages or bills of sale of personal property to be deposited with township clerks.

S. B. No. 376—Mr. Burns—To authorize the city council of the city of Mansfield, Ohio, to levy a tax in addition to that now authorized by law for the payment of a certain bonded debt.

S. B. No. 377—Mr. Kessler—Creating a salary commission in cities of the first class, to equalize and fix the salaries of clerks and employes in the various boards and departments of such cities.

Mr. Haines submitted the following report:

The standing committee on Finance to whom was referred S. B. No. 358—To authorize the transfer of certain funds therein named, now in the Treasury of the incorporated village of Lexington, Richland county—having had the same under consideration, report it back, and recommend its passage.

SAMUEL KNOX, R. STANTON,
H. W. CURTISS, J. H. HUDSON.

The bill was ordered to be engrossed and read the third time Wednesday.

Mr. Knox submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 651—To authorize the town council of the incorporated village of Marysville, Union county, to transfer certain funds from the cemetery fund to the street fund—having had the same under consideration, report it back, and recommend its passage.

SAMUEL KNOX, A. R. HAINES,
R. STANTON, J. H. BATES.

The bill was ordered to be read the third time Wednesday.

Mr. Knox submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 629—To extend the time for payment of school lands in section numbered 16 in Waterville township, Lucas county, Ohio—having had the same under consideration, report it back, and recommend its passage.

SAMUEL KNOX, A. R. HAINES,
H. W. CURTISS, R. STANTON,
JNO. H. HUDSON, J. H. BATES.

The bill was ordered to be read the third time Wednesday.

Mr. Knox submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 650—For the relief of Henry Ahrendts, Treasurer of Jefferson township, Noble county, having had the same under consideration, report it back, with following amendments, and recommend its passage when so amended:

1st. In section 1, line 5, strike out the words "regular spring" and insert the word "October."

2d. Same section line 6, strike out the word "April."

3d. Add to section 1 the following: "Provided the said Trustees shall give ten days notice of said submission, by having posted up in ten of the most public places in said township, printed notices of the same."

SAMUEL KNOX, JNO. H. HUDSON,
A. R. HAINES, R. STANTON.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time Wednesday.

Mr. Bates submitted the following report:

The standing committee on Penitentiary, to whom was referred the message of the Governor appointing Chas. C. Walcott of Franklin county, to be Director of the Penitentiary for three pears from April I, 1877, having had the same under consideration, report it back and recommend that the Senate do advise and consent to said appointment.

H. W. Curtiss, J. K. Rukenbrod,
J. H. Bates, R. Stanton,
A. R. Haines, Jno. H. Hudson.

The question being on advising and consenting to said appointment of Chas. C. Walcutt, the yeas and nays were taken, and resulted as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Ransom, Reese, Schenck, Spangler, Stickney, Warnock and Williams—27

So the Senate advised and consented to said appointment.

Mr. Andrews submitted the following report:

The standing committee on Judiciary, to whom was referred H. J. R. No. 82, directing the Auditor of State and Attorney General to adjust the claims of William M. Ampt, of Cincinnati, provided he complies with certain conditions therein mentioned, have had the same under consideration, and now report:

Your committee find that, on the first day of May, A. D. 1873, the General Assembly adopted the following joint resolution:

Whereas, There are reasons to believe that certain counties have wrongfully retained taxes which should have been paid over to the State; therefore

Resolved by the General Assembly of the State of Ohio, That the Auditor of State be and he is hereby instructed to look into and investigate the matter, and if he find taxes have been wrongfully retained, he is hereby authorized and instructed to proceed in the name of the State to recover such taxes so wrongfully retained, and he is authorized to procure such assistance, in addition to the Attorney General, legal or otherwise, as he and the Attorney General may deem proper and necessary.

That under the authority of this resolution, the State Auditor employed one William Ampt of Cincinnati to look up taxes retained as mentioned in the resolution in Hamilton county. Mr. Ampt had been the Prosecuting Attorney of Hamilton county previous to and nearly up to the date of being so employed by the Auditor; and it had been a part of his duty to the State and county to inspect the settlement accounts of the county made by the Commissioners and Auditor thereof, and while the committee will not here say that if Mr. Ampt had pointed out the mistakes of the county officials in retaining the taxes claimed by the State, the contests in obtaining the same might have been avoided, the opinion is clearly entertained that the State should not pay him extraordinary fees for obtaining knowledge of the indebtedness of the county to the State, when it must have been obtained when in the time of his duty as a paid official for the county, which made his duties dual, so as that the State and county should be equally protected in the disposition of the State and county funds. The committee find that Mr. Ampt, without extraordinary opposition, obtained judgment against Hamilton

county in favor of the State, for taxes improperly retained, the sum of $81,902.12. As attorney for the State Mr. Ampt received and receipted for the following sums, to be applied on the judgment referred to : May 15, 1875, $7,500, March 25, 1876, $6,000; April 1, 1876, $29,776.24; he retained in his hands of the money so collected $20,000, and declines to pay to the State any part of thot sum, claiming that the State owes him so much for services. The balance, the sum of $38,625.88, is due the the State, and the Commissioners of the county have notified the Auditor of State that the money is ready for the State. The Auditor has notified the county officials to pay it directly into the State Treasury, which will be done within a few days.

Mr. Ampt was paid $2,000 as fees by the Auditor of State before anything was paid over on the judgment against the county. A large amount has also been paid to arbitrators, who seem to have labored in the details of the cases to obtain the results. Mr. Ampt asks twenty-five per cent. on the amount of the judgment obtained, and retains $20,000 which, with the sum of $2,000 previously paid him, he has had for more than a year, which is over twenty-five per cent. of the whole amount of the judgment, and more than half of the amount collected. Your committee are of the opinion that such fees to an attorney, on such large claims, where no legal doubts exist as to right to recover, would be unqualified fraud. Mr. Ampt was employed without any contract as to his services, and so he must take a reasonable amount. The committee, upon investigation of the matter, are of the opinion that five per cent. of the amount of the judgment recovered, will liberally pay Mr. Ampt for his services.

The committee submit the following amendment to the H. J. R.: Strike out the House Resolution, and insert the following :

SENATE AMENDMENT—

Resolved by the General Assembly of the State of Ohio, That the Auditor of State be and he is hereby directed to immediately demand of William M. Ampt the money in his hands belonging to the State, with interest from the date he received it; that he allow him for fees and services as attorney for the State against the county of Hamilton the sum of $2,100 in addition to the $2,000 already received by him, which shall be in full for all claims against the State.

Resolved, That in default of said Ampt paying over the moneys mentioned in the foregoing resolution, within a reasonable time after demand, the Attorney General of the State is directed to bring suit to recover the same.

JAMES W. OWENS, GEO. W. ANDREWS,
J. H. BATES, W. R. WARNOCK,
A. M. BURNS.

The report was laid on the table and ordered to be printed.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 343—Mr. Kerr—To create a sub-school district in Batavia township, Clermont county.

S. B. No. 305—Mr. Curtiss—To amend an act entitled "An act to au-

thorize the consolidation of railroad companies in this State with railroad companies of States adjoining, in certain cases, and to authorize railroad companies in this State to extend their roads into adjoining States," passed April 10, 1856, and took effect May 1, 1856 (S. & C., 327), as the same was amended by the act of May 6, 1869 (66 O. L., 127), and section 2 of the aforesaid act, passed April 10, 1856.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 275—Mr. Bates—Relating to inclined plane railroad companies organized under the act of May 1, 1852, entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," with the following amendments, in which the concurrence of the Senate is requested:

Strike out all of section 1 after the word "company" in line 15.

Add at the end of section 1 the following: "Without consent of the Board of Public Works in any city having such a board, and the Common Council, or the public authority or company having charge or owning any other highway in which such street railroad may be laid, and provided that no inclined plane railway or railroad company shall construct any track or tracks in any street or highway without first obtaining the written consent of a majority of the property holders on the line of such proposed track or tracks represented by the feet front abutting on the street or highway along which such track or tracks are proposed to be constructed.

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Bates, Brown of Lucas, Curtiss, Ellis, Hudson, Johnston, Kent, Kirr, Kessler, Kleinschmidt, Knox, Owens, Ransom, Reese, Schenck, Sheridan, Spangler, Stickney, Stokes, Warnock and Williams —22.

So the amendments were concurred in.

Mr. Burrows submitted the following report:

The standing committee on Medical Colleges, to whom was referred S. B. No. 363—having had the same under consideration, report it back and recommend its indefinite postponement.

S. S. BURROWS, E. C. LEWIS,
E. F. KLEINSCHMIDT, H. W. CURTISS.

The bill was laid upon the table.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 693—Mr. Sellards—To amend section 30 of an act entitled

"Act act for opening and regulating roads and highways," passed January 27, 1853, (S. & C., 1296), as amended March 4, 1865, (S. & S., 692, vol. 62, p. 35).

H. B. No. 745—Mr. Scheble—To change the time of holding the next term of the court of common pleas in Paulding county.

H. B. No. 752—Mr. Cole—To authorize the Board of Education of Genoa, special school district of Ottawa county, to levy a tax to pay a judgment.

H. B. No. 759—Mr. Norton—To authorize the incorporated village of Fostoria, in Seneca county, Ohio, to borrow money to purchase a steam fire engine.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

Mr. Brown of Lucas submitted the following report:

The joint committee on Enrollment, have examined, and found correctly enrolled, the following bills:

H. B. No. 298—To amend section 4 of an act entitled "An act relating to roads and highways," passed March 9, 1868, (S. & S., p. 662.)

H. B. No. 502—To amend section 3 of an act entitled "An act to authorize the Commissioners of the several counties in this State through which the National Road passes, to take under their care and control so much of said road as lies within the limits of such counties respectively," passed April 6, 1876, and took effect May 15, 1876, (O. L., vol. 73, p. 105).

H. B. No. 681—To authorize the council of the incorporated village of Bellefontaine, to transfer the sum of three hundred dollars from the street fund of said village to the police fund.

ASA TOBEREN, C. J. SWAN,
J. W. WASHBURN, T. P. BROWN,
E. L. LYBARGER, H. V. KERR,
THOS. S. LUCCOCK.

Mr. Brown of Lucas submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled, the following bills:

H. B. No. 663—To amend section 661 of an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869, and took effect July 1, 1869, (O. L., vol. 66, p. 261).

H. B. No. 567—To amend sections 2 and 3 of an act entitled "An act to authorize the commissioners of Scioto county to borrow money on the bonds of the county, to discharge the existing liabilities of said county, now in the shape of turnpike floating orders," passed April 11, 1876, (O. L., vol. 73, p. 313).

ASA. TOBEREN, THOS. S. LUCCOCK,
J. W. WASHBURN, C. J. SWAN,
E. L. LYBARGER, T. P. BROWN,
H. V. KERR.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 529—Mr. Sellards—To amend section one of an act amendatory of an act entitled "An act to provide for the safety of persons attending public assemblies," passed April 13, 1865, amended May 12, 1868, (S. & S., p. 635).

H. B. No. 567—Mr. Sellards—To amend section two of an act entitled "An act to authorize the Commissioners of Scioto county to borrow money on the bonds of the county to discharge the existing liabilities of said county, now in the shape of turnpike floating orders.

H. B. No. 298—Mr. Sherrick—To amend section four of an act entitled "An act relating to roads and highways," passed March 9, 1868, (S. & S., p. 662).

H. B. No. 663—Mr. Huberich—To amend section 661 of an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869, and took effect July 1, 1869, (O. L., vol. 66, p, 261).

H. B. No. 409—Mr. Hostetter—To amend section three of an act further providing for converting toll roads into free roads," passed May 3, 1873, (O. L., vol. 70, p. 255).

H. B. No. 502—Mr. Beach—To amend section three of an act entitled "An act to authorize the Commissioners of the several counties in this State through which the National Road passes, to take under their care and control so much of the said road as lies within the limits of such counties respectively," passed April 6, 1876, and took effect May 15, 1876. (O. L. volume 73, page 115).

H. B. No. 681—Mr. Dow—To authorize the council of the incorporated village of Bellefontaine to transfer the sum of three hundred dollars from the street fund of said village to the police fund.

H. B. No. 760—Mr. McLain—To authorize the Trustees of Fowler township, Trumbull county, to transfer money therein named to the general township fund of said township.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills.

On motion of Mr. Lewis, the Senate took a recess until 8½ o'clock, a. m., to-morrow.

FRIDAY, MARCH 23, 1877—8½ o'clock A. M.

Prayer by Rev. W. E. Moore.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 478—Mr. Hostetter—Supplementary to the act entitled "An act to authorize the county Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, passed March 29, 1867, and amended by subsequent acts.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 496—Mr. Sherrick—To provide for the eqalization of the valuation of bank shares for taxation, and to repeal an act therein named.

H. B. No. 709—Mr. Toberen—Requiring the Auditor of Defiance county to refund certain taxes improperly collected.

H. B. No. 741—Mr. Faxon—To authorize the Trustees of Ridgeville township, Lorain county, Ohio, to levy a tax to construct a vault or receptacle for the dead.

H. B. No. 538—Mr. Striker—To provide for the relief of the estate of Stephen Mills.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 291—Mr. Knox—To provide for obtaining and publishing reports of banks, savings institutions, and trust companies, organized under the laws of this State.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 574—Mr. Goebel—To create the office of court interpreter in certain judicial districts.

Attest: WM. LEONARD, *Clerk.*

On motion of Mr. Knox, the Senate adjourned, and under S. R. No. 73 stands adjourned until 3 o'clock p. m., of Tuesday.

Attest: J. C. DONALDSON *Clerk.*

TUESDAY, MARCH 27, 1877—3 o'clock P. M.

The Senate met pursuant to adjournment.

Prayer by Rev. W. E. Moore.

The Journal was read and approved.

Bills were read the second time and referred as follows:

S. B. No. 366—To amend section one of an act entitled "An act for

the establishment and maintenance of public libraries in certain cities of the first class," passed and took effect April 18, 1873.

To the committee on Municipal Corporations.

S. B. No. 367—To authorize the Board of Education of the special school district of the incorporated village of Ottawa, Putnam county, Ohio, to levy an additional tax for school purposes.

To the committee on Common Schools.

S. B. No. 368—To authorize the Common Council of Oak Harbor to borrow money.

To the committee on Municipal Corporations.

S. B. No. 369—To create a Special School District in sub-district No. 4, of Marion township, Mercer county, Ohio.

To the committee on Common Schools.

S. B. No. 370—Supplementary to the several acts prescribing the powers and duties of Notaries Public.

To the committee on Judiciary.

S. B. No. 371—Supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852.

To the committee on Corporations other than Municipal.

S. B. No. 372—To create a Special School District in Marion township, Morgan county, Ohio.

To the committee on Common Schools.

S. B. No. 373—To amend section ten of "An act for opening and regulating roads and highways," passed February 27, 1853, (Swan & Critchfield, page 1293).

To the committee on Common Schools.

S. B. No. 374—To authorize the Council of the incorporated village of Bellevue to issue bonds for the completion of town hall and fire engine house.

To the committee on Municipal Corporations.

S. B. No. 375—Supplementary to the act to require mortgages or bills of sale of personal property to be deposited with township clerks.

To the committee on Judiciary.

S. B. No. 376—To authorize the City Council of the city of Mansfield to levy a tax in addition to that now authorized by law for the payment of a certain bonded debt.

To the Committee on Municipal Corporations.

S. B. No. 377—Creating a salary commission in cities of the first class to equalize and fix the salaries of clerks and employees in the various boards and departments of such cities.

To a select committee of four—Messrs. Bates, Kessler, Kleinschmidt and Ransom.

H. B. No. 759—To authorize the incorporated village of Fostoria, Seneca county, Ohio, to borrow money to purchase a steam fire engine.

To the committee on Municipal Corporations.

H. B. No. 693—To amend section thirty of an act entitled "An act for opening and regulating roads and highways," passed January 27, 1853, (S. & C., 1296), as amended March 4, 1865, (S. & S., 692, volume 62, page 35).

To the committee on Roads and Highways.

H. B. No. 745—To change the time of holding the next term of the Court of Common Pleas in Paulding county.

To the committee on Judiciary.

H. B. No. 752—Authorizing the Board of Education of Genoa Special School District, in Ottawa county, to levy a tax to pay a judgment.

To the committee on Common Schools.

H. B. No. 776—To amend section fifty-four of an act entitled an act for the reorganization of common schools, passed and took effect May 1, 1873, (O. L., vol. 70, p. 211).

To the committee on Common Schools.

H. B. No. 665—To provide for the cleaning of sewers, catch basins, avenues, streets, alleys, market places, wharves, etc., in cities of the first class, having a population of more than one hundred and fifty thousand inhabitants at the last federal census.

To a select committee of four—Messrs. Bates, Kessler, Kleinschmidt and Ransom.

H. B. No. 735—To locate a Special School District in the townships of Greenwich and Ripley, Huron county, Ohio.

To the committee on Common Schools.

H. B. No. 787—To authorize the Commissioners of Lawrence county to build a bridge across Ice creek, in said county.

To the committee on Finance.

H. B. No. 726—To authorize the county Commissioners of Darke county to levy a tax to pay off an existing indebtedness of the Darke county agricultural society.

To the committee on Roads and Highways.

H. B. No. 724—To amend the second section of the act entitled "An act requiring compensation for causing death by wrongful act, neglect or default," passed March 25, 1851, (S. & C., page 1139).

To the committee on Judiciary.

H. B. No. 725—To provide for the straightening, clearing out, widening, deepening and otherwise improving Stillwater ditch and creek; also its tributaries in Darke county, Ohio.

To the committee on Judiciary.

H. B. No. 716—To amend an act entitled "An act supplementary to an act entitled an act regulating the mode of administering assignments in trust for the benefit of creditors," passed April 6, 1859; passed March 31, 1876, (O. L., vol. 73, p. 101).

To the committee on Judiciary.

H. B. No. 757—For the relief of William Vandoren, treasurer of Washington township, Warren county, Ohio.

To the committee on Finance.

H. B. No. 770—To amend an act entitled "An act to amend an act entitled 'an act to enable the common council of any city or incorporated village in this State, having a population of twenty-five hundred inhabitants, or more, through which any of the canals of this State may run, or for the board of county commissioners of the county in which such city or incorporated village may be situate, to construct and maintain for public use, a swing bridge, or self-closing bridge, on any highway where the same crosses such canal within the territory of said city or incorporated village,' passed April 16, 1874, (O. L., vol. 71, page 84)," passed March 29, 1875, (O. L., vol. 72, page 110).

To the committee on Municipal Corporations.

H. B. No. 744—To authorize the commissioners of Miami county to levy a tax on certain townships and incorporated villages in said county, for the payment of certain indebtedness.

To the committee on Finance.

H. B. No. 772—To authorize the trustees of Middleburg township, Cuyahoga county, to levy a tax for certain purposes mentioned therein.

To the committee on Finance.

H. B. No. 554—Supplementary to the "Act for the establishment, support and regulation of Children's Homes in the several counties, and Children's Home Districts in this State, and to repeal certain acts therein named," passed March 22, 1876, (O. L., vol. 73, page 64).

To the committee on Benevolent Institutions.

H. B. No. 754—To amend an act entitled "An act to authorize the trustees of townships to appropriate lands for cemetery purposes," passed and took effect April 3, 1867, (S. & S., page 912).

To the committee on Corporations, other than Municipal.

H. B. No. 641—To amend section one of an act supplementary to an act to provide for the division of townships into election precincts, passed March 14, 1853, passed April 12, 1858, (S. & C., page 1575).

To the committee on Privileges and Elections.

H. B. No. 729—Defining the jurisdiction of the Probate Court of Ashland county in criminal cases.

To the committee on Judiciary.

H. B. No. 783—To authorize the Commissioners of Richland county to transfer money from the county fund of said county, to bond and interest fund.

To the committee on Finance.

H. B. No. 533—To provide for the relief of the estate of Stephen Mills.

To a select committee of four—Messrs. Bates, Kessler, Kleinschmidt and Ransom.

H. B. No. 741—To authorize the trustees of Ridgeville township, Lorain county, Ohio, to levy a tax to construct a vault or receptacle for the dead.

To the committee on Corporations, other than Municipal.

H. B. No. 478—Supplementary to the act entitled an act to authorize County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, passed March 29, 1867, and amended by subsequent acts.

To the committee on Roads and Highways.

H. B. No. 496—To provide for the equalization of the valuation of bank shares for taxation, and to repeal an act therein named.

To the committee on Finance.

H. B. No. 709—Requiring the Auditor of Defiance county to refund certain taxes improperly collected.

To the committee on Finance.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 644—Mr. Nigh—To authorize the Board of Education of Perry township, Lawrence county, to levy a tax to pay the indebtedness of said township, incurred in the erection of a school house.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has acceded to the request of the Senate for a committee of conference on matters of difference between the two Houses on—

S. B. No. 38—Mr. Burns—To provide means for the defense of persons accused of crime unable to employ counsel.

The Speaker has appointed Messrs. Goebel, Swaim and Duncan as members of such committee on the part of the Senate.

Attest: WM. LEONARD, *Clerk.*

The President appointed Messrs. Burns, Bates and Stokes members of such committee on part of the House.

On motion of Mr. Kessler, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

WEDNESDAY, MARCH 28, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by the Rev. W. E. Moore.

The Journal was read and approved.

Mr. Johnston presented the petition of B. F. Hoffman, attorney, and twenty-four other members of the bar, of Mahoning county, asking that criminal jurisdiction be granted the Probate Court of said county.

Which was referred to the committee on Judiciary.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed S. B. No. 358 and H. B. No. 650.

WM. W. BEATTY,
J. C. SCHENCK,
H. V. KERR.

H. B. No. 393—To amend section eleven of an act entitled an act to amend sections one, two, four, five, six and eleven of an act entitled an act to authorize the county commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named, passed March 29, 1867, passed March 31, 1868, (Swan & Sayler, page 673), passed April 17, 1873, (70 volume Ohio Laws, page 135).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 32, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan and Williams—32.

So the bill passed. The title was agreed to.

H. B. No. 548—To amend section eleven of an act entitled "An act

authorizing and regulating arbitrations," passed February 17, 1831, (S. & C. page 89).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Burns, Burress, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stickney, Stokes, Swan and Williams—27.

So the bill passed. The title was agreed to.

S. B. No. 336—To authorize the Commissioners of Jackson county to lease part of the public square in the incorporated village of Jackson, for certain purposes.

Was read the third time.

Mr. Monahan moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section one, line eight, strike out the words "of amusements."

Which was agreed to.

Mr. Monahan was appointed such select committee.

Mr. Monahan, on leave, submitted the following report:

The Select Committee of one, to whom was referred S. B. No. 336, with instructions to amend, reports the same back amended as instructed.

I. T. Monahan.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 27, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Burns, Burress, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Rleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stickney, Stokes, Swan and Williams—27.

Mr. Brown of Lucas voted in the negative—1.

So the bill passed. The title was agreed to.

S. B. No. 282—To amend section one of an act entitled "An act providing for the election of county Auditors, and prescribing their duties," passed April 18, 1870.

Was read the third time.

Mr. Kerr moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Insert, "provided, that all Auditors now in office shall continue to hold their offices until three years from the second Monday next after taking possession of said offices; and their successors shall be elected on the second Tuesday of October next preceding the expiration of their terms as herein provided," after the word "election," line seven, section one.

Mr. Andrews moved that said instructions be amended as follows:

Strike out the word "second" after the word "the," in said amendment and insert the word "third" in lieu thereof.

Which was agreed to.

The question being on the motion to refer the bill to a select committee of one, the yeas and nays were demanded, taken, and resulted—yeas 13, nays 20, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Burress, Ellis, Haines Hudson, Kerr, Lewis, Owens, Reese, Sheridan, Stokes and Williams—13.

Those who voted in the negative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Miller, Monahan, Philson, Rukenbrod, Schenck, Spangler and Swan—20.

So the motion was disagreed to.

Mr. Andrews moved that the bill be referred to a select committee of one, with instructions to amend as follows:

After the word "election," in line seven, section one, insert the following:

"Provided, that county auditors now in office shall serve during the term for which they were elected."

Which was agreed to.

Mr. Andrews was appointed such select committee.

Mr. Andrews, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 282, with instructions to amend, reports the same back amended as instructed.

GEO. W. ANDREWS.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 30, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Monahan, Owens, Philson, Reese, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan and Williams—30.

Those who voted in the negative were—

Messrs. Burrows. Knox and Rukenbrod—3.

So the bill passed. The title was agreed to.

The following bill was introduced, on leave, and read the first time:

S. B. No. 378—Mr. Burress—Supplementary to an act entitled "An act to provide for the appointment of Trustees, and dispositions of moneys, property and assets, held in trust for building soldiers' monument," and also, supplementary to an act entitled "An act supplementary to an act to provide for the apportionment of trustees, and disposition of money, property and assets held in trust for building soldiers' monument," (68 O. L. 122, and 72 O. L. 60).

Mr. Burress moved that the constitutional rule requiring bills to be read on three different days be dispensed with and said S. B. No. 378 be read the second time.

On which motion the yeas and nays were taken, and resulted—yeas 28, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Owens, Philson, Reese, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan and Williams—28.

Mr. Monahan voted in the negative—1.

So the rule was dispensed with.

The bill was read the second time and referred to the committee on Judiciary.

S. B. No. 320—Supplementary to "An act to provide for the creation

and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, (Swan & Critchfield, 271).

Was read the third time.

Mr. Bates moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In line 3d, 1st section, after the word "service," insert "upon any stockholders who are not residents of this State, upon affidavits being filed that the stockholders named are non-residents of the State of Ohio, and that personal service cannot be made on them within this State."

Which was disagreed to.

Mr. Beatty moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section three, lines five and six, strike out the following words:

"Together with the place of residence of each stockholder."

The motion was agreed to.

Mr. Beatty was appointed such select committee.

The select committee of one, to whom was referred S. B. No. 320, with instructions to amend, reports the same back amended as instructed.

WM. W. BEATTY.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 14, nays 13, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kerr, Reese, Stokes, Swan, Warnock and Williams—14.

Those who voted in the negative were—

Messrs. Bates, Beatty, Burns, Hudson, Kleinschmidt, Knox, Monahan, Owens, Philson, Rukenbrod, Schenck, Spangler and Stickney—13.

So the bill was lost.

Mr. Swan moved that the vote whereby S. B. No. 320—Supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, (S. & C., 271,) was lost, be reconsidered.

Which was agreed to.

The bill was laid on the table.

On motion of Mr. Brown of Lucas, the Senate took a recess.

THREE O'CLOCK P. M.

H. B. No. 219—To amend section 2 of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869, passed February 10, 1870, (O. L. vol. 67, p. 7,) and to repeal an act to extend the provisions of said act of February 10, 1870, passed March 30, 1874, (O. L. vol. 71, p. 49.)

Was read the third time.

Mr. Bates moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section one, strike out all after the enacting clause and insert as follows:

"That in all cities of the first class, having a population of over 200,000 inhabitants."

Strike out the words "section two."

In line 26, strike out all after "the board."

Strike out the 27th, 28th and 29th lines, and insert:

"And said Board of Aldermen and the Board of Councilmen now provided by and existing under the act to provide for the organization of municipal corporations, passed May 7, 1869, shall, together, form the Common Council of such cities."

Strike out the residue of said section commencing on the 33d line, with the words "the members" and insert "the usual notice of such election is hereby dispensed with, and it shall only be necessary for the Mayor of such city to issue his proclamation on any day after the passage of this act, and before the day of election."

Strike out in section 3, all after the words "by act" in 3d line.

Which was agreed to.

Mr. Bates was appointed such select committee.

Mr. Bates, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 219, with instructions to amend, reports the same back amended as instructed.

J. H. Bates.

Mr. Monahan moved that the bill be laid on the table and ordered to be printed as amended.

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 16, nays 13, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Brown of Lucas, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Rukenbrod, Schenck, Spangler, Swan and Warnock—16.

Those who voted in the negative were—

Messrs. Andrews, Ault, Burress, Ellis, Haines, Hudson, Lewis, Monahan, Owens, Sheridan, Stickney, Stokes and Williams—13.

So the bill was lost.

On motion of Mr. Bates, the vote whereby said bill was lost, was reconsidered.

The bill was laid on the table.

Mr. Philson submitted the following report:

The standing committee on Benevolent Institutions to whom was referred the nomination of Horace M. Horton of Meigs county, to be trustee of the Athens Hospital for the Insane, for the unexpired term of Dr. Henry West, having had the same under consideration, report it back, and recommend that the nomination be confirmed.

J. R. Philson, J. K. Rukenbrod,
E. T. Stickney, J. C. Schenck,
H. V. Kerr.

The question being on advising and consenting to said appointment, the yeas and nays were taken, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates. Brown of Lucas, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Rukenbrod, Schenck, Spangler, Stickney, Stokes, Swan, Warnock and Williams—28.

So the Senate advised and consented to said appointment.

MESSAGE FROM THE GOVERNOR.

THE STATE OF OHIO, EXECUTIVE DEPARTMENT.

COLUMBUS, 28th day of March, 1877.

To the Senate:

I have the honor to nominate, and by and with the advice and consent of the Senate, appoint E. J. Blount of Franklin county, to be trustee for the Columbus Hospital for the Insane, for the period of five years from and after April 6, 1877.

James Barnett of Cuyahoga county, to be trustee for the Cleveland Hospital for the Insane, for the period of five years from and after April 6, 1877.

A. G. McBurney of Warren county, to be trustee for the Dayton Hospital for the Insane, for the period of five years from and after April 8, 1877.

Peter Hitchcock of Geauga county, to be trustee of the Ohio State Asylum for Idiots, for the period of three years, from and after April 20, 1877.

Very respectfully, THOS. L. YOUNG, *Governor.*

Referred to the committee on Benevolent Institutions.

Mr. Andrews submitted the following report:

The standing committee on Judiciary to whom was referred H. B. No. 745—To change the time of holding the next term of the Court of Common Pleas in Paulding county, having had the same under consideration, report it back and recommend it passage.

J. H. BATES, C. J. SWAN,
GEO. W. ANDREWS, A. M. BURNS,
N. P. BURRESS.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—31.

So the bill passed. The title was agreed to.

Mr. Burrows, on leave, submitted the following report:

The select committee of three, appointed in pursuance of S. B. No. 97, offer for adoption the following preamble and resolutions:

S. B. No. 97—WHEREAS, It has pleased an All-wise Providence to remove from our midst our esteemed friend and beloved associate, Hon. Abner Haines of Preble, late member of this Senate; and

WHEREAS, in his death, the State has lost the services of one of its most able and useful legislators, his District a faithful Senator, and his friends and relatives one who was loved for his many virtues, and respected for his sterling integrity, therefore

Resolved, That we bear cheerful testimony to his varied talents, his

public and private worth, and to his exaulted character as a Christian gentleman.

Resolved, That as a faithful servant of the people, he died at his post, and in the discharge of the important public trust confided to his care.

Resolved, That as a legislator, we recognize in him a pure and wise statesman, one who carefully, dilligently and honestly, represented the known wishes and best interests of his constituents, always striving to make their good his chief aim and object.

Resolved, That feeling our own loss, we deeply sympathize with the widow and relatives of the deceased in their great bereavement.

Resolved, That these resolutions be recorded in the Journal, and the Clerk of the Senate transmit a copy of the same to the widow of the deceased.

Resolved, That in respect to the memory of the deceased, this Senate do now adjourn.

S. S. Burrows,
N. P. Burress,
J. K. Rukenbrod.

The question being on the adoption of said resolution, the yeas and nays were taken and resulted—yeas 32, nays none, as follows :

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—32.

So the resolutions were adopted.

The President declared the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk*.

Thursday, March 29, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by W. E. Moore.

The Journal was read and approved.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 104—Mr. Converse—Providing for the safe keeping of the "Centennial Album."

Attest: Wm. Leonard, *Clerk*.

Referred to the committee on State Library.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 560—Mr. Wiltsee—To create a special school district in Sycamore township, Hamilton county.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 105—Mr. Converse—Providing for the printing of ten thousand additional copies of the report and accompanying documents of the Ashtabula bridge disaster.

Attest: WM. LEONARD, *Clerk.*

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—26.

So the resolution was adopted.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 580—Mr. Neal—To amend section 566 of an act entitled "An act to establish a code of civil procedure," passed May 11, 1853 (S. & C., 1123).

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 410—Mr. Groom—To amend section 414 of chapter 30 of an act to provide for the organization and government of municipal corporations, passed May 7, 1869 (O. L., Vol. 66, p. 149).

H. B. No. 645—Mr. Groom—To amend section 554 of an act to provide for the organization and government of municipal corporations, passed May 7, 1869 (O. L., Vol. 66, p. 149).

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 312—Mr. Curtiss—To prescribe the collection of delinquent taxes, with the following amendments in which the concurrence of the Senate is requested,

In line 2 strike out the words "or assessment."

In lines 2 and 3 strike out the words "or assessed."

In line 4 strike out "or special tax."

In lines 6, 8 and 9 strike out the words "and assessments."

In lines 12, 13 and 14 strike out the words "or assessment."

In line 21 strike out the words "and assessment."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan Warnock and Williams—28.

So the Senate concurred in said amendments.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives acceeds to the request of the Senate for a committee of Conference on matters of difference between the two Houses on—

S. B. No. 140—Mr. Swan—To regulate the Ohio Agricultural and Mechanical College and to repeal certain acts therein named.

The Speaker has appointed Messrs. Cowgill, Converse and Monahan on the part of the House.

Attest: WM. LEONARD, *Clerk.*

The President appointed Messrs. Knox, Warnock and Lewis as members of such committee on part of the Senate.

The following bill was introduced, on leave, and read the first time:

S. B. No. 379—Mr. Andrews—Relative to dams for hydraulic purposes.

Mr. Schenck submitted the following report:

The standing committee on Benevolent Institutions, to whom was referred the appointments by the Governor of—

George W. Baker, of Athens county, to be Trustee of the Athens Hospital for the Insane.

Samuel Taylor, of Logan county, to be Trustee of the Institution for the Education of the Deaf and Dumb.

E. J. Blount, of Franklin county, to be Trustee of the Columbus Hospital for the Insane.

James Barnett, of Cuyahoga county, to be Trustee of the Cleveland Hospital for the Insane.

A. G. McBurney, of Warren county, to be Trustee of the Dayton Hospital for the Insane.

Peter Hitchcock, of Geauga county, to be Trustee of the Ohio State Asylum for Idiots.

Having had the same under consideration, report it back, and recommend their confirmation.

J. C. SCHENCK, H. V. KERR,
J. K. RUKENBROD, E. C. LEWIS,
J. R. PHILSON, E. T. STICKNEY,
E. P. RANSOM.

The question being on the confirmation of the said appointment of George W. Baker, the yeas and nays were taken, and resulted, yeas 33, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—33.

So the Senate advised and consented to said appointment.

The question being on the confirmation of said appointment of E. J. Clount, the yeas and nays were taken, and resulted, yeas 32, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Williams—32.

So the Senate advised and consented to said appointment.

The question being on the confirmation of the said appointment of James Barnett, the yeas and nays were taken, and resulted, yeas 30, none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Williams—30.

So the Senate advised and consented to said appointment.

The question being on the confirmation of said appointment of A. G. McBurney, the yeas and nays were taken, and resulted, yeas 31, nays nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Williams—31.

So the Senate advised and consented to said appointment.

The question being on the confirmation of the said appointment of Peter Hitchcock, the yeas and nays were taken, and resulted, yeas 35, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler.

Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—34.

So the Senate advised and consented to said appointment.

The question being on the confirmation of the said appointment of Samuel Taylor, the yeas and nays were taken, and resulted, yeas 34, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes,, Swan, Warnock and Williams—35.

So the Senate advised and consented to said appointment.

On motion of Mr. Kessler, H. B. No. 219—To amend section 2 of an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869, passed February 10, 1870 (O. L., Vol. 67, p. 7), and to repeal an act to extend the provisions of said act of February 10, 1870, passed March 30, 1874 (O. L., Vol. 71, p. 49)—was taken from the table.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 19, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—19.

Those who voted in the negative were—

Messrs. Andrews, Ault, Burress, Ellis, Haines, Hudson, Lewis, Miller, Monahan, Owens, Reese, Sheridan, Stickney, Stokes and Williams—15.

So the bill passed. The title was agreed to.

Mr. Beatty on leave, submitted the following report:

The standing committee on Public Printing, to whom was referred the message from the Governor, nominating William W. Bond, of Franklin county, to be supervisor of public printing for the term of two years from and after the 12th day of April, 1877—having had the same under consideration, report it back and recommend that the Senate do advise and consent to said appointment.

Wm. W. Beatty,	Samuel Knox,
C. J. Swan,	J. K. Rukenbrod,
N. P. Burress,	H. V. Kerr,
Wm. Miller.	

The question being on the confirmation of said appointment of William W. Bond, the yeas and nays were taken, and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Stanton, Stickney, Swan, Warnock and Williams—30.

So the Senate advised and consented to said appointment.

The following bills were introduced, on leave, and read the first time:

S. B. No. 380—Mr. Ransom—To authorize the construction of bridges across the Ohio river in certain cases.

S. B. No. 381—Mr. Ault—To authorize the trustees of Sankersville Church Union, in the township of Chippewa, in the county of Wayne, to sell the real estate belonging to said church union.

S. B. No. 382—Mr. Kerr—To authorize narrow-gauge railroad companies to issue bonds.

On motion of Mr. Bates, the vote whereby the title of H. B. No. 219 was agreed to, was reconsidered.

The title was agreed to after being amended so as to read as follows:

"Supplementary to an act entitled "An act supplementary to an act to provide for the organization and government of municipal corporations," passed February 10, 1870, (67, O. L., 7.)

The following bill was introduced, on leave, and read the first time:

S. B. No. 383—Mr. Johnston—Defining the jurisdiction of the probate court in the county of Mahoning, in minor criminal cases.

Mr. Johnston moved that the constitutional rule, requiring bills to be read on three different days, be dispensed with, and S. B. No. 383 be read the second time.

On which motion, the yeas and nays were taken, and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kleinschmidt, Lewis, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—30.

So the rule was dispensed with.

The bill was read the second time and referred to the committee on Judiciary.

The following bill was introduced, on leave, and read the first time:

S. B. No. 384—Mr. Kent—To amend an act entitled "An act to authorize the city council of the city of Akron to levy a tax for cemetery purposes, passed March 19, 1877.

Mr. Kent moved that the constitutional rule, requiring bills to be read on three different days, be dispensed with, and S. B. No. 384 be read the second time.

On which motion, the yeas and nays were taken, and resulted—yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—31.

So the rule was dispensed with.

The bill was read the second time.

Mr. Curtiss moved that said constitutional rule be again dispensed with and said bill be read the third time.

On which motion the yeas and nays were taken, and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Lewis, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—30.

So the rule was dispensed with.

The bill was ordered to be engrossed at the Clerk's desk and read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 33, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—33.

So the bill passed. The title was agreed to.

The following bills were introduced, on leave, and read the first time:

S. B. No. 385—Mr. Swan, from the committee on Universities and Colleges—To confer on cities and incorporated villages, having a population of less than twenty thousand inhabitants at the last federal census, power to restrain, regulate and prohibit the sale of intoxicating liquors, when a school or college exists within the limits of such city or incorporated village.

S. B. No. 386—Mr. Monahan—To amend an act concerning divorce and alimony, passed March 11. 1853, (S. & C., p. 509.)

S. B. No. 358—To authorize the transfer of certain funds therein named, now in the treasury of the incorporated village of Lexington, Richland county.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Owens, Philson, Ransom, Reese, Schenck, Spangler, Stokes, Swan, Warnock and Williams—25.

So the bill passed. The title was agreed to.

Mr. Knox asked and obtained leave to record his vote on advising and consenting to the appointment of Wm. W. Bond, as supervisor of public printing. His name being called, he voted in the affirmative.

H. B. No. 651—To authorize the town council of the incorporated village of Marysville, Union county, to transfer certain funds from the cemetery fund to the street fund.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Owens, Philson, Schenck, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—25.

So the bill passed. The title was agreed to.

Mr. Bates, on leave, presented the petition of the Chamber of Commerce of Cincinnati, asking for the passage of certain laws.

Which was referred to the committee on Judiciary.

Mr. Stanton, on leave, presented the petition of P. Kenneday, and

fifty-two other citizens of York township, Morgan county, asking for the creation of a special school district in said township.

Which was referred to the committee on Common Schools and School Lands.

Mr. Kessler, on leave, presented the petition of Lyman W. Stone, and forty-six other citizens on the line of the Miami and Erie canal, asking for the creation of a committee to examine the condition of said canal.

Which was referred to the committee on Public Works.

Mr. Curtiss, on leave, presented the petition of S. W. Knopp, and many other citizens of Cuyahoga county.

Which was referred to the committee on Finance.

H. B. No. 629—To extend the time for the payment of school lands, in section No. 16, in Waterville township, Lucas county, Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews. Bates, Beatty, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Philson, Ransom, Schenck, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—26.

So the bill passed. The title was agreed to.

H. B. No. 650—For the relief of Henry Ahrendts, treasurer of Jefferson township, Noble county.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 25, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Philson, Ransom, Schenck, Spangler, Stickney, Stokes, Warnock and Williams—25.

Messrs. Burns and Owens voted in the negative—2.

So the bill passed. The title was agreed to.

On motion of Mr. Andrews, the Senate took a recess.

THREE O'CLOCK P. M.

On motion of Mr. Stanton, the committee on Common Schools was discharged from the further consideration of S. B. No. 354—To create a special school district in certain territory in York township, Morgan county, and Bearfield township, Perry county.

The bill was ordered to be engrossed at the Clerk's desk and read the third time.

The bill was read the third time

Mr. Ransom moved that the bill be laid on the table.

Which was disagreed to.

Mr. Ellis moved that the further consideration of said bill be postponed until Thursday.

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 26, nays 4, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows,

Curtiss, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Philson, Reese, Rukenbrod, Spangler, Stanton, Stokes, Swan and Williams—26.

Those who voted in the negative were—

Messrs. Ellis, Kerr, Ransom and Sheridan—4.

So the bill passed. The title was agreed to.

The President declared that the Senate would proceed to the further consideration of the contested election case of Cox *vs.* Harmon.

Mr. Andrews moved that so much of the resolution, further postponing the consideration of said case, requiring the session to be held with closed doors, be rescinded.

On which motion the yeas and nays were taken and resulted—yeas 17, nays 16—as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Burress, Burrows, Ellis, Hudson, Kerr, Lewis, Miller, Monahan, Owens, Sheridan, Stickney, Stokes, Warnock and Williams—17.

Those who voted in the negative were—

Messrs. Bates, Brown of Ross, Burns, Curtiss, Haines, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Rukenbrod, Schenck, Spangler, Stanton and Swan—16.

So the motion was agreed to.

On demand of Mr. Johnston, a call of the Senate was had.

Thirty-five members answered to their names.

Mr Brown of Lucas was absent.

On motion of Mr. Burress, all further proceedings under the call were dispensed with.

Mr. Burrows moved that Senators desiring to explain their votes, be allowed five minutes for that purpose.

Which was agreed to.

On demand of Mr. Kerr, a call of the Senate was had.

Thirty-five Senators answered to their names.

Mr. Brown of Lucas was absent.

On motion of Mr. Burrows, all further proceedings under the call were dispensed with.

The President submitted the question in the following words;

SENATORS—You who are of the opinion that Joseph Cox, the contestator, was, on the second Tuesday of October, in the year 1876, duly and legally elected to the office of Judge of the Court of Common Pleas, for the First Judicial District, for the constitutional term, commencing the second Tuesday of February, 1877, will, as your names are called say "Aye"—those of a contrary opinion will say "No."

On which motion the yeas and nays were taken, and resulted—yeas 20, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—20.

Those who voted in the negative were—

Messrs. Andrews, Ault, Burress, Ellis, Haines, Hudson, Kerr, Lewis, Miller, Monahan, Owens, Sheridan, Stickney, Stokes and Williams—15.

The President declared it as the judgment of the Senate, that Joseph Cox was duly elected to said office.

The following bills were introduced, on leave, and read the first time:

S. B. No. 387—Mr. Lewis—For the relief of Katy Ann Urick and others.

S. B. No. 388—Mr. Schenck—To amend section 20 of an act entitled "An act to establish a code of civil procedure, passed March 11, 1853, as amended February 11, 1874, (71, O. L., 304).

S. B. No. 389—Mr. Brown of Ross—Supplementary to the act entitled "An act authorizing the County Commissioners of Ross county to build a county jail, and to issue bonds therefor," passed March 17, 1877.

Mr. Bates submitted the following report:

The standing committee on privileges and elections, to whom was referred H. B. No. 678—To create two voting precincts in Plain township, Wood county—having had the same under consideration, report it back, and recommend its passage.

J. H. Bates, M. Kent,
J. R. Johnston, J. B. Williams,
H. Kessler, R. E. Reese.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 32, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—32.

So the bill passed. The title was agreed to.

Mr. Burns submitted the following report:

The committee on Municipal Corporations, to whom was referred H. B. No. 770—To amend an act entitled "An act to amend an act entitled 'an act to enable the common council of any city or incorporated village in this State, having a population of 2500 inhabitants, or more, through which any of the canals of this State may run, or for the Board of County Commissioners of the county in which such city or incorported village may be situate, to construct and maintain for public use, a swing bridge, or self-closing bridge, on any highway where the same crosses such canal within the territory of said city or incorporated village,' passed April 16, 1874, (O. L., vol. 71, p. 84)," passed March 29, 1875, (O. L., vol. 72, p. 110)—having had the same under consideration, report it back and recommend its passage.

A. M. Burns, H. Kessler,
J. C. Schenck, James W. Owens.

The bill was ordered to be read the third time to-morrow.

Mr. Burns submitted the following report:

The standing committee on Municipal, Corporations to whom was referred S. B. No. 368—To authorize the common council of Oak Harbor to borrow money—having had the same under consideration, report it back, with following amendments, and recommend its passag when so amended.

In section 1, line 4, strike out the word "twelve" and insert the word "three."

At the end of section 1 insert the following: "And said council of said incorporated village is hereby authorized to levy a tax in accordance with law, on the taxable property of said village, to be certified to the Auditor of said county, to be collected as other taxes for said purpose.

A. M. Burns, James W. Owens,
H. Kessler, J. C. Schenck,
Wm. Miller.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Ransom submitted the following report:

The standing committee on Common Schools, to whom was referred S. B. No. 142—For the reorganization and maintenance of common schools—having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

In section 16, line 5, after the word "wards," add "Provided, further, that the board of education of each township district shall consist of as many members as the township district has school precincts, one member being elected from each school precinct by the qualified voters of the township district."

In section 17, strike out the whole of lines 19 and 20 and the words "year thereafter" in line 21, and substitute therefore the words, "the first election held under this act, one person shall be elected for each school precinct or sub-district designated by an odd number, who shall serve for one year, and one person shall be elected for each school precinct or sub-district designated by an even number, who shall serve for two years, and until his successor is elected and qualified; and each succeeding year thereafter, one person shall be elected for each school precinct, who shall serve for two years or until his successor is elected and qualified."

In section 20, line 5, after the word "election," add "the boards of education of said city districts of the second-class, in the matter of attaching the annexed territory for voting purposes, shall be governed by the provisions of this act conferring like powers upon city boards of education of the first-class, as provided for in section nine."

In section 30, line 1, strike out "state" and insert "said."

In section 36, line 14, strike out "1876" and insert "1878;" in line 32, after "any" insert "of their," and strike out "appointee" and insert "appointees."

In section 39, line 12, strike out "fifty-seven" and insert "forty-seven."

In section 47, line 2, strike out "the preceding section" and insert "section forty-five."

In section 50, line 2, strike out "are hereby authorized to" and insert "shall"

In section 51, line 8, strike out "said" and insert "the;" and after "district," same line, add "where the offense was committed."

In section 58, line 10, strike out "proper county" and substitute "district in which the offense was committed."

In section 59, line 13, strike out "said" and insert "such;" in line 16 strike out "will" and insert "shall," and strike out all of the section after "schools," in line 17.

In section 63, after the word "him" in line 6, insert "provided, that

in township districts the County Superintendent shall make out and transmit said abstract of enumeration to the County Auditor;" after the word "clerk," in same line, insert "or County Superintendent."

In section 64, after "district," in first line, insert "or the County Superintendent;" in line 4, after "clerk," insert "or County Superintendent ;" in line 6, strike out "this section" and insert "section sixty-three ;" and in line 14, after "clerk," insert "or the County Superintendent."

In section 65, after "districts," add "and whenever the school commissioner, on examination of the enumeration of youth made and returned by any district under this act, shall be of opinion that the same is excessive in number or in any other way incorrect, he may require the enumeration for such district to be taken and returned, and if he thinks it necessary, he may for this purpose, appoint one or more persons to perform this duty, who shall take the same oath and perform the same duties and receive the same compensation, out of the same funds as the person or persons who take the enumeration in the first instance, and the school fund shall be distributed on the corrected enumeration; and any officer through whose hands the enumeration required by this act to be returned shall pass, who shall, by percentage or otherwise, add to or take from the number actually enumerated, shall be deemed guilty of a misdemeanor, and upon conviction of such offense, shall be fined in any sum not less than five dollars and not exceeding one thousand dollars, or imprisoned in the county jail not less than ten days nor more than thirty days, at the discretion of the court."

In section 70, after "ability," line 5, add "they are also authorized to issue the certificate required by section 102, to such applicants for county superintendency as are found on application to be qualified."

In section 71, line 4, strike out "county" and insert "district."

In section 72, line 2, after "dollars," insert "and each applicant for a county superintendent's certificate shall pay to said board a fee of one dollar;" strike out the words "this fee" in the same line, and insert "these fees."

In section 80, after the word "act," line 33, add "and said clerk shall be entitled to two dollars a day for clerical services actually rendered, to be paid out of the county treasury of the county in which the examination is held, on the order of the County Auditor of the proper county.

In section 85, after the word "examination," in line 7, insert "and an additional fee of fifty cents for each year the certificate is valid."

In section 86, after the word "teach," in line 9, insert "and the fee arising from the additional fifty cents paid for each year the certificate is valid; and strike out all that follows after the word "paid" in line 11.

In section 90, after the word "annually," in first line, insert "at least."

In section 99, in line 2, strike out "thirty-five" and insert "forty-five."

In section 101, strike out all that follows after the word "superintendent," in line 7.

In section 102, after the word "certificate," in line 7, insert "shall be granted for three years, and."

In section 104, line 4, strike out "the" and insert "each."

In section 105, strike out the word "each," between "shall" and "annually."

In section 106, line 7, strike out "or," and for the word "board," in same line, substitute "committee."

In section 107, line 14, strike out "or" and insert "and ;" in line 21, between "or" and "committee," insert "executive ;" in line 22, strike out

"hereinafter" and substitute "herein;" and after "or," in same line, insert "executive;" and in line 28, after "or" insert "executive."

In section 109, first line, strike out the word "that," and for the word "superintendents," in same line, substitute "superintendent."

In section 114, after the word "the," in line 10, insert "county," and for the words "of schools," in same line, substitute "or executive committee."

In section 152, line 2, strike out "1876" and insert "1877."

E. P. Ransom, Samuel Knox,
E. T. Stickney, W. Sheridan, Jr.,
S. S. Burrows.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time Tuesday.

Mr. Knox submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 688—To authorize the Commissioners of Lawrence county, to fund the infirmary debt, and to levy a tax to liquidate the same—having had the same under consideration, report it back, and recommend its passage.

Samuel Knox, Elias Ellis,
H. W. Curtiss, A. R. Haines.

The bill was ordered to be read the third time to-morrow.

Mr. Burress submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 378—Supplementary to an act entitled "An act to provide for the apportionment of trustees, and disposition of money, property and assets, held in trust for building soldiers' monument," and also supplementary to an act entitled an act supplementary to an act to provide for the apportionment of trustees and disposition of money, property and assets, held in trust for building soldiers' monument, (Ohio Laws, volume 68, page 122, and Ohio Laws 72, page 60)—having had the same under consideration, report it back, and recommend its passage.

J. H. Bates, Geo. W. Andrews,
C. J. Swan, W. R. Warnock,
A. M. Burns, James W. Owens,
N. P. Burress.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Owens submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 272—To amend sections 43, 44 and 46 of an act to regulate the election of state and county officers, passed May 3, 1852—having had the same under consideration, report it back, and recommend its indefinite postponement.

J. H. Bates, A. M. Burns,
James W. Owens, N. P. Burress,
G. W. Andrews, C. J. Swan,
W. R. Warnock.

The bill was laid on the table.

Mr. Warnock submitted the following report:

The standing committee on Corporations other than Municipal to whom was referred S. B. No. 362—Amendatory of and supplementary to "An act to enable Trustees of religious denominations to become incorporated and defining their powers, passed April 20, 1874—having had the same under consideration, report it back, and recommend its passage.

W. R. Warnock, Wm. W. Beatty,
J. R. Johnston, G. W. Andrews,
R. Stanton.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Johnston submitted the following report:

The standing committee on Roads and Highways to whom was referred S. B. No. 341—To amend section 18 of an act relating to roads and highways, passed March 9, 1868, (O. L. 65, page 19)—having had the same under consideration, report it back, with the following amendment and recommend its passage when so amended.

In line seven of section one after the word "places," insert the following:

"And making repairs that may be necessary by reason of any casualty that may occur.

J. R. Johnston, A. R. Haines,
J. B. Williams, A. Spangler,
A. L. Brown.

The amendment was agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Owens submitted the following report:

The standing committee on Common Schools to whom was referred H. B. No. 655—Creating a special school district in Crane township, Wyandot county, Ohio, and to authorize the Board of Education to build a school house therein—having had the same under consideration, report it back, with following amendments, and recommend its passage when so amended.

Amend the title so as to read as follows:

1st—To create a sub-school district in Crane township, Wyandot county, Ohio.

2d—Strike out "special" in line five, and insert "sub."

3d—Strike out "special," in line two, of section two, and insert "sub."

4th—Strike out "special," in line four of section two, and insert "sub."

James W. Owens, E. T. Stickney,
E. P. Ransom, S. S. Burrows.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Beatty submitted the following report:

The standing committee on Corporations other than Municipal to whom was referred H. B. No. 741—To authorize the trustees of Ridgeville township, Lorain county, Ohio, to levy a tax to construct a vault or receptacle for the dead—having had the same under consideration, report it back, and recommend its passage.

Wm. W. Beatty, J. R. Johnston,
R. Stanton, W. R. Warnock,
Geo. W. Andrews, R. E. Reese.

The bill was ordered to be read the third time to-morrow.

Mr. Burns submitted the following report:

The standing committee on Municipal Corporations to whom was referred S. B. No. 374—To authorize the council of the incorporated village of Bellevue, to issue bonds for the completion of town hall and fire engine house—having had the same under consideration, report it back and recommend its passage.

A. M. Burns, H. Kessler,
Wm. Miller, Jas. W. Owens,
J. C. Schenck.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Burns submitted the following report:

The standing committee on Municipal Corporations to whom was referred S. B. No. 376—To authorize the city council of the city of Mansfield to levy a tax in addition to that now authorized by law for the payment of a certain bonded debt—having had the same under consideration, report it back, and recommend its passage.

A. M. Burns, H. Kessler,
Wm. Miller, Jas. W. Owens,
J. C. Schenck.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Burns submitted the following report:

The standing committee on Municipal Corporations to whom was referred H. B. No. 759—To authorize the council of the incorporated village of Fostoria, in Seneca county, Ohio, to borrow money to purchase a steam fire engine—having had the same under consideration, report it back, with following amendment, and recommend its passage when so amended.

Insert in line 12 of section 2, between the words "of" and "said" the "the incorporated village of Fostoria in."

A. M. Burns, H. Kessler,
Wm. Miller, Jas. W. Owens,
J. C. Schenck.

The amendment was agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Spangler submitted the following report:

The standing committee on Roads and Highways to whom was referred H. B. No. 737—Supplementary to an act entitled "An act to authorize the trustees of Findlay township, Hancock county, Ohio, to levy a tax to macadamize and improve the roads and highways in said township," passed April 7, 1876, (Volume 73, page 283)—having had the same under consideration, report it back and recommend its passage.

A. Spangler, J. B. Williams,
A. R. Haines, H. V. Kerr.

The bill was ordered to be read the third time to-morrow.

Mr. Brown of Ross submitted the following report:

The standing committee on Agriculture to whom was referred House Joint Resolution No. 86—Relative to establishing a commission at the

Ohio Agricultural and Mechanical College for the purpose of properly testing iron and steel—having had the same under consideration, report it back, and recommend its adoption.

A. L. Brown, A. Spangler,
A. M. Burns, H. Kessler,
E. T. Stickney, Elias Ellis.

The resolution was laid on the table.

Mr. Brown of Ross submitted the following report:

The standing committee on Roads and Highways to whom was referred H. B. No. 693—To amend section 30 of an act entitled "An act for opening and regulating roads and highways," passed January 27, 1853, (S. & C. 1296), as amended March 4, 1865, (S. & C. 692, volume 62, page 35)—having had the same under consideration, report it back, and recommend its passage.

A. L. Brown, A. Spangler,
J. B. Williams, A. R. Haines,
H. V. Kerr.

The bill was ordered to be read the third time to-morrow.

The following bill was introduced on leave, and read the first time:

S. B. No. 390—Mr. Bates—For the further protection of cemeteries in the State of Ohio.

On motion of Mr. Kessler, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

Friday, March 30, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. W. E. Moore.

The Journal was read and approved.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 802—Joint Committee—To secure greater safety for public travel over bridges.

H. B. No. 803—Mr. Hitchcock—To amend section 55 of an act entitled "An act of the jurisdiction and procedure before Justices of the Peace, and of the duties of Constables in civil courts," passed March 14, 1853 (51 v. 179 S. & C., 769).

H B. No. 804—Mr. Dirr—To amend section 1 of an act entitled "An act to authorize cities of the first class having a population of over one hundred and fifty thousand inhabitants to pay certain claims," passed April 11, 1876 (O. L., Vol. 76, p. 214).

H. B. No. 805—Mr. Oglevee—Supplementary to an act entitled "An act to provide for the organization and government of municipal corporations, authorizing certain cities therein named to construct certain improvements therein named, and to issue bonds for the payment of the same."

H. B. No. 806—Mr. Nigh—To further consolidate land titles in Ohio.

H. B. No. 807—Mr. Barnett—To amend section 1 of an act entitled "An act providing for the election of township Assessors, and to prescribe their duties," passed April 4, 1859 (S. & C., p. 85).

H. B. No. 808—Mr. Ullery—To amend section 51 of the act passed May 7, 1869, entitled an "Act to provide for the organization and government of municipal corporations" (66 v. 149); section 491 of the same act, as amended April 18, 1870 (67 v. 78, and section 493 of the said original act.

H. B. No. 809—Mr. Blade—To authorize the Trustees of Shankersville township, Portage county, to levy a tax for certain purposes mentioned therein,

H. B. No. 810—Mr. Thresher—Relating to dower and the mode of fixing the value in money of dower estates.

H. B. No. 811—Mr. Thresher—To amend the act entitled "An act to amend section 1 as amended April 9, 1873 (Vol. 70, O. L., p. 116), and to amend section 4 of an act entitled an act for the protection of fish in the rivers, streams, creeks, lakes, ponds and reservoirs of the State, and for the repeal of an act therein named, passed March 8, 1871," passed March 30, 1875 (O. L., Vol. 72, p. 176).

H. B. No. 812—Mr. Barnett—Creating a special school district in Sandusky township, Richland county, Ohio.

H. B. No. 813—Mr. Krimmel—To authorize the Board of Public Works to enlarge a culvert under the Ohio canal, known as Williams' culvert, on the Millport level, in Pickaway county.

H. B. No. 814—Mr. Krimmel—To amend section 22 of an act entitled "An act for the incorporation of townships," passed March 14, 1853.

H. B. No. 815—Mr. Johnston—To amend section 1 of an act entitled "An act to provide for the election of Prosecuting Attorneys, and prescribing their duties," passed April 30, 1852 (S. & C., p. 1125).

H. B. No. 816—Mr. Cowgill—To authorize the creation of a special school district in Rush township, Champaign county, Ohio.

H. B. No. 817—Mr. Cowgill—To provide for the better protection of the traveling public, and to ensure the prompt trunsportation and delivery of freights and fruit.

H. B. No. 818—Mr. West—To authorize the Trustees of Wayne township, Clermont county, Ohio, to transfer certain funds.

H. B. No. 819—Mr. Thresher—Supplementary to an act entitled "An act to provide for and regulate street railroad companies," passed April 10, 1861 (S. & S., p. 134).

H. B. No. 820—Mr. Perkins—To provide for the purchase of books for the use of common schools.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 352—Mr. Warnock—To amend section 4 of an act entitled "An act to amend the act entitled an act for the regulation of turnpike companies" (S. & C., p. 337).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 426—Mr. Bowen—To authorize the creation of a special school district in Goodhope township, Hocking county, Ohio.

H. B. No. 764—Mr. Fenton—To repeal an act entitled "An act to incorporate school district No. 1, in York and Clinton townships, Fulton county" (O. L., Vol. 49, p. 571).

H. B. No. 785—Mr. Sherrick—To authorize the Commissioners of Stark county to increase the levy for county fund.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 715—Mr. Luccock—To authorize the creation of a special school district in Jefferson township Guernsey county, Ohio.

H. B. No. 730—Mr. Monahan—To authorize the levy of taxes to rebuild or make repairs to county infirmary or children's home buildings, when loss by fire or other casualty is sustained.

H. B. No. 771—Mr. Boyce—To authorize the Commissioners of Columbiana county, Ohio, to repair West Point and Hanover road.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 761—Mr. Sage—To divide the township of Perry, Wood county, Ohio, into two election precincts.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 287—Mr. Kleinschmidt—For the better management of orphan asylums.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 348—Mr. Lewis—To create a special school district in Sandy township, Tuscarawas county.

Attest: WM. LEONARD, *Clerk.*

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled, the following bills and joint resolution:

S. B. No. 305—To amend an act entitled "An act to authorize the consolidation of railroad companies with railroad companies of States adjoining in certain cases.

S. B. No. 350—To authorize the Commissioners of Van Wert county to make a temporary loan.

S. J. R. No. 52—Endorsing the principles and measures expressed by President R. B. Hayes in his letter of acceptance and inaugural address.

S. B. No. 334—To authorize the Commissioners of Tuscarawas county, Ohio, to make compensation to George Ellis as watch in the county jail.

S. J. R. No. 56—Relating to the death of Abner Haines, Senator from Preble county.

S. B. No. 275—Relating to inclined plane railroads organized under the act of 1852.

C. J. SWAN, E. L. LYBARGER,
T. P. BROWN, THOS. S. LUCCOCK,
E. C. LEWIS, H. V. KERR.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and joint resolutions:

S. B. No. 305—Mr. Curtiss—To amend an act entitled "An act to authorize the consolidation of railroad companies in this State with railroad companies of States adjoining, in certain cases, and to authorize railroad companies in this State to extend their roads into adjoining States," passed April 10, 1856, and took effect May 1, 1856 (S. & C., 327), as the same was amended by the act of May 6, 1869 (66 O. L., 127), and section 2 of the aforesaid act, passed April 10, 1856.

S. B. No. 275—Mr. Bates—Relating to inclined plane railroad companies organized under the act of May 1, 1852, entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio."

S. B. No. 350—Mr. Andrews—To authorize the Commissioners of Van Wert county to make a temporary loan.

S. B. No. 334—Mr. Lewis—To authorize the Commissioners of Tuscarawas county, Ohio, to make compensation to George W. Ellis as watch at the county jail of said county.

S. J. R. No. 56—Select Committee of Three—Relating to the death of Abner Haines, Senator from Preble county.

S. J. R. No. 52—Mr. Monahan—Endorsing the principles and meas-

ures expressed by President R. B. Hayes in his letter of acceptance and inaugural address.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills and joint resolutions.

Mr. Burrows presented the memorial of H. S. Morrison, foreman of the coroner's jury of Ashtabula county, in relation to the Ashtabula bridge disaster.

Which was referred to the committee on Finance.

Bills were read the second time and referred as follows:

S. B. No. 387—For the relief of Katy Ann Urick and others.

To the committee on Judiciary.

H. B. No. 560—To create a special school district in Sycamore township, Hamilton county, Ohio.

To the committee on Common Schools.

H. B. No. 580—To amend section 566 of an act entitled "An act to establish a code of civil procedure," passed May 11, 1853 (S. & C., 1123).

To the committee on Judiciary.

H. B. No. 410—To amend section 414 of chapter 30 of an act to provide for the organization and government of municipal corporations, passed May 7, 1869 (O. L., Vol. 66, p. 149).

To the committee on Municipal Corporations.

H. B. No. 645—To amend section 554 of an act to provide for the organization and government of municipal corporations, passed May 7, 1869 (O. L., Vol. 66, p. 149).

To the committee on Municipal Corporations.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed, S. B.'s No's. 376, 362, 378, 341, 368, 374, and H. B.'s No.'s 759 and 655.

WM. W. BEATTY,
H. V. KERR,
JAMES W. OWENS.

Mr. Brown of Lucas asked and obtained leave to record his vote on the Cox vs. Harmon contested election case. His name being called on said question, he voted in the affirmative.

On motion of Mr. Monahan, S. B. No. 272, to amend section 43, 44 and 46 of an act to regulate the election of State and county officers, passed May 3, 1852 (S. & C., p. 540-541), was taken from the table.

The question being on the indefinite postponement of said bill the yeas and nays were taken, and resulted, yeas 6, nays 17, as follows:

Those who voted in the affirmative were—

Messrs. Burns, Curtiss, Knox, Philson, Swan and Warnock—6.

Those who voted in the negative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burrows, Ellis, Haines, Hudson, Johnston, Kessler, Lewis, Miller, Monahan, Owens, Rukenbrod, Stanton, Stickney and Williams—17.

So the recommendation was disagreed to.

The bill was ordered to be engrossed and read the third time Wednesday next.

S. B. No. 300—To provide for an inebriates' home.

Was read the third time.

Mr. Brown of Lucas moved that the bill be referred to a select committee of one with instructions to amend as follows:

Strike out all of section 5.

Which was disagreed to.

Mr. Johnston moved that the bill be referred to a select committee of one with instructions to amend as follows:

In line 6 of section 1, between the words "same" and "and," insert the following:

"Provided, That the question of the purchase of such site and the erection of such home shall first be submitted to the voters of such county or counties at any general election, and that no such site shall be purchased or home erected unless a majority of the legal voters of such county shall have voted in favor of the same.

Which was agreed to.

Mr. Johnston was appointed such select committee.

Mr. Johnston, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 300, with instructions to amend, reports the same back amended as instructed.

J. R. JOHNSTON.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 14, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Bates, Beatty, Brown of Lucas, Burrows, Ellis, Haines, Hudson, Lewis, Monahan, Reese, Rukenbrod, Warnock and Williams —14.

Those who voted in the negative were—

Messrs. Andrews, Burns, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Owens, Philson, Spangler, Stanton, Stickney and Swan —14.

So the bill was lost.

Mr. Burrows, on leave, submitted the following resolution:

S. R. No. 100—WHEREAS, The direct rays of the sun coming through the sky-lights over head in this Senate chamber are very prejudicial to the eyes, and if long continued can not fail to impair their usefulness; therefore,

Resolved, That the Sergeant-at-Arms be instructed, in some manner, most practicable, to shade said lights.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 24, nays 4, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Burns, Burrows, Curtiss, Ellis, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Lewis, Monahan, Owens, Philson, Reese, Rukenbrod, Sheridan, Spangler, Stickney, Swan and Williams—24.

Those who voted in the negative were—

Messrs. Haines, Knox, Stanton and Warnock—4.

So the resolution was adopted.

On motion of Mr. Monahan, the vote whereby S. B. No. 300—To provide for Inebriates' Homes was lost, was reconsidered.

The bill was laid on the table.

On motion of Mr. Brown of Lucas, the Senate took a recess.

THREE O'CLOCK P. M.

The following bill was introduced, on leave, and read the first time:

S. B. No. 391—Mr. Kessler—To regulate the price of legal advertising.

Mr. Burns moved that the rule requiring bills to be read on three different days be dispensed with, and H. B. No. 730 be read the second time.

On which motion the yeas and nays were taken and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Rukenbrod, Stickney, Stokes, Swan, Warnock and Williams—24.

So the motion was agreed to.

The following bill was introduced, on leave, and read the first time:

S. B. No. 392—Mr. Johnston—Authorizing the formation of partnership associations in which the capital subscribed shall alone be responsible for the debts of the association, except under certain circumstances.

H. B. No. 770—To amend an act entitled "An act to amend an act entitled 'an act to enable the common council of any city or incorporated village in this State, having a population of twenty-five hundred inhabitants, or more, through which any of the canals of this State may run, or for the board of county commissioners of the county in which such city or incorporated village may be situate, to construct and maintain for public use, a swing bridge, or self-closing bridge, on any highway where the same crosses such canal within the territory of said city or incorporated village,' passed April 16, 1874, (O. L., vol. 71, page 84)," passed March 29, 1875, (O. L., vol. 72, page 110).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Rukenbrod, Sheridan, Stickney, Stokes, Swan, Warnock and Williams—28.

So the bill passed. The title was agreed to.

Mr. Miller, on leave, offered the following joint resolution:

S. J. R. No. 59—*Be it Resolved by the General Assembly of the State of Ohio*, That there be printed in the German language eighteen hundred copies of the report of the State Commissioner of Common Schools for the year of 1876, to be distributed by the School Commissioner among the counties in proportion to their German population as soon as can be.

The resolution was referred to the committee on Printing.

Mr. Burns moved that the rule requiring bills to be read on three different days be dispensed with, and H. B. No. 730 be read the second time.

On which motion the yeas and nays were taken and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Rukenbrod, Sheridan, Stickney, Stokes, Swan, Warnock and Williams—26.

So the motion was disagreed to.

S. B. No. 368—To authorize the Common Council of Oak Harbor to borrow money.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Lucas, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Rukenbrod, Sheridan, Stickney, Stokes, Swan and Williams—23.

The bill passed. The title was agreed to.

H. B. No. 688—To authorize the Commissioners of Lawrence county to fund the infirmary debt, and to levy a tax to liquidate the same.

Was read the third time.

The question being "shall the bill pass?" the yeas and nays were taken, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Rukenbrod, Sheridan, Stickney, Stokes, Swan and Williams—23.

So the bill passed. The title was agreed to.

S. B. No. 378—Supplementary to an act entitled "An act to provide for the apportionment of trustees and disposition of money, property and assets,, held in trust for building soldiers' monument," and also supplementary to an act entitled an act supplementary to an act to provide for the apportionment of trustees and disposition of money, property and assets, held in trust for building soldiers' monument, (O. L., vol. 68, page 122, and O. L., 72, p. 60).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kleinschmidt, Lewis, Monahan, Owens, Rukenbrod, Sheridan, Stanton, Stickney, Stokes, Swan, Warnock and Williams—23.

The bill passed. The title was agreed to.

S. B. No. 362—Amendatory of and supplementary to "An act to enable trustees of religious denominations to become incorporated, and defining their powers," passed April 20, 1874.

Was read the third time.

Mr. Warnock moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section one, line nine, after the word "diocese," insert "society."

Which was agreed to.

Mr. Warnock was appointed such select committee.

Mr. Warnock, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 362, with instructions to amend, reports the same back amended as instructed.

W. R. Warnock.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Lucas, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Miller, Owens, Rukenbrod, Sheridan, Stanton, Stickney, Stokes, Swan, Warnock and Williams—24.

So the bill passed. The title was agreed to.

S. B. No. 341—To amend section eighteen of an act relating to roads and highways, passed March 9, 1868, (O. L., vol. 65, page 19).

Was read the third time.

Mr. Knox moved that the bill be referred to a select committee of one with instructions to amend as follows:

Strike out the word "town" in line sixteen, section one.

Which was agreed to.

Mr. Knox was appointed such select committee.

Mr. Knox, on leave submitted the following report:

The select committee of one to whom was referred S. B. No. 341, with instructions to amend, reports the same back amended as instructed.

SAMUEL KNOX.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Rukenbrod, Sheridan, Stanton, Stickney, Stokes, Swan, Warnock and Williams—26.

So the bill passed. The title was agreed to.

H. B. No. 655—Creating a Special School District in Crane township, Wyandot county, Ohio, and to authorize the Board of Education to build a school house therein.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 8, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Curtiss, Ellis, Hudson, Knox, Miller, Rukenbrod, Stanton and Stickney—8.

Those who voted in the negative were—

Messrs. Andrews, Brown of Lucas, Brown of Ross, Burns, Burrows, Haines, Johnston, Kent, Kleinschmidt, Lewis, Owens, Sheridan, Stokes, Swan, Warnock and Williams—16.

So the bill was lost.

On motion of Mr. Ellis, H. B. No. 514—To authorize the votes of stockholders of certain incorporated companies to be cast by proxy, (see vol. 72, O. L., page 39)—was taken from the table.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Lucas, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Knox, Lewis, Miller, Owens, Rukenbrod, Sheridan, Stanton, Stickney, Stokes, Swan, Warnock and Williams—24.

So the bill passed. The title was agreed to.

S. B. No. 741—To authorize the trustees of Ridgeville township, Lo-

rain county, Ohio, to levy a tax to construct a vault or receptacle for the dead.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Lucas, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Miller, Owens, Rukenbrod, Sheridan, Stickney, Stokes, Swan, Warnock and Williams—23.

So the bill passed. The title was agreed to.

S. B. No. 374—To authorize the Council of the incorporated village of Bellevue to issue bonds for the completion of town hall and fire engine house.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Lucas, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Miller, Owens, Rukenbrod, Sheridan, Stanton, Stickney, Stokes, Swan, Warnock and Williams—24.

So the bill passed. The title was agreed to.

S. B. No. 376—To authorize the City Council of the city of Mansfield to levy a tax in addition to that now authorized by law for the payment of a certain bonded debt.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Lucas, Burns, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kleinschmidt, Knox, Lewis, Miller, Owens, Rukenbrod, Sheridan, Stanton, Stickney, Stokes, Swan, Warnock and Williams—24.

So the bill passed. The title was agreed to.

H. B. No. 759—To authorize the incorporated village of Fostoria, Seneca county, Ohio, to borrow money to purchase a steam fire engine.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Lucas, Burns, Curtiss, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Miller, Owens, Rukenbrod, Sheridan, Stanton, Stickney, Stokes, Swan, Warnock and Williams—21.

So the bill passed. The title was agreed to.

Mr. Andrews moved that the vote whereby H. B. No. 655—Creating a special school district in Crane township, Wyandot county, Ohio, and to authorize the Board of Education to build a school house therein, was lost, be reconsidered.

Which was agreed to.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Lucas, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kleinschmidt, Knox, Lewis, Miller, Owens, Rukenbrod, Sheridan, Stanton, Stickney, Stokes, Swan, Warnock and Williams—25.

So the bill passed. The title was agreed to.

H. B. No. 737—Supplementary to an act entitled an act to authorize the trustees of Findlay township, Hancock county, Ohio, to levy a tax to macadamize and improve the roads and highways in said township, passed April 7, 1876. (Volume 73, page 283.)

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 21, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Lucas, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Kent, Kerr, Kleinschmidt, Lewis, Owens, Rukenbrod, Sheridan, Stanton, Stickney, Stokes, Swan, Warnock and Williams—21.

So the bill passed. The title was agreed to.

H. B. No. 693—To amend section 30 of an act entitled an act for opening and regulating roads and highways, passed January 27, 1853, (S. & C. 1296,) as amended March 4, 1865. ((S. & S., 692, vol. 62, p. 35.)

Was read the third time.

Mr. Andrews moved that the further consideration of said bill be postponed until Wednesday.

Which was agreed to.

The following bill was introduced, on leave, and read the first time:

S. B. No. 393—Mr. Burns—To amend an act therein named.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 584—Mr. Krimmel—To authorize the Commissioners of Pickaway county, Ohio, to build a bridge across the Scioto river, at or near Mackey's Ford, in said county, and to levy a tax for that purpose.

H. B. No. 818—Mr. West—To authorize the trustees of Wayne township, Clermont county, Ohio, to transfer certain funds.

H. B. No. 736—Mr. Swaim—To fix the time for holding an additional term of the District Court in Vinton county.

H. B. No. 685—Mr. Groom—To create a special school district in School District Nos. 6 and 7, in Norwich township, Franklin county, Ohio, and School Districts Nos. 4 and 5, in Brown township, in said county, and School District No. 2, in Prairie township, in said county.

H. B. No. 596—Mr. Wiltsee—To amend the act creating the office of County Surveyor, passed March 3, 1831.

Attest: WM. LEONARD, *Clerk.*

The bills were read the first time.

Mr. Burns submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 615—To provide for the payment of a Town Hall, in

Polk township, Crawford county, Ohio, having had the same under conrideration, report it back and recommend its passage.

A. M. Burns, T. P. Brown,
James W. Owens, Wm. Miller.

The bill was ordered to be read the third time Tuesday.

Mr. Owens submitted the following report:

The standing committee on Judiciary to whom was referred S. B. No. 383—Defining the jurisdiction of the Probate Court, in the county of Mahoning, in minor criminal cases, having had the same under consideration, report it back and recommend its passage.

J. H. Bates, N. P. Burress,
James W. Owens, W. R. Warnock,
A. M. Burns, C. J. Swan,
Geo. W. Andrews.

The bill was ordered to be engrossed at the Clerk's desk and read the third time.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 21, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Lucas, Burns, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kleinschmidt, Knox, Lewis, Owens, Rukenbrod, Sheridan, Stanton, Stickney, Stokes, Swan and Williams—21.

The bill passed. The title was agreed to.

Mr. Owens submitted the following report:

The committee on Judiciary, to whom was referred S. B. No. 387—For the relief of Katy Ann Urick and others; having had the same under consideration, report it back without recommendation.

James W. Owens, C. J. Swan,
A. M. Burns, W. R. Warnock

The bill was ordered to be engrossed, and read the third time Wendesday.

Mr. Burns submitted the following report:

The standing committee on Judiciary to whom was referred H. B. No. 729—Defining the jurisdiction of the Probate Court of Ashland county, in criminal cases, having had the same under consideration, report it back and recommend its passage.

A. M. Burns, C. J. Swan,
W. R. Warnock, James W. Owens,
Geo. W. Andrews.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 21, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Lucas, Burns, Curtiss, Ellis, Haines, Hudson, Johnston, Kerr, Knox, Lewis, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Williams—21.

So the bill passed. The title was agreed to.

Mr. Philson submitted the following report:

The standing committee on Sanitary Laws and Regulations, to whom was referred H. B. No. 557—To inquire into the cause of, and means of prevention and cure of diseased animals, having had the same under consideration, report it back and recommend its passage.

J. R. PHILSON, I. T. MONAHAN,
W. H. Stokes, E. C. LEWIS.

The bill was ordered to be read the third time Wednesday.

Mr. Spangler submitted the following report:

The standing committee on Roads and Highways, to whom was referred H. B. No. 586—Prescribing the rate of taxation for county, bridge, road and township purposes, and to repeal certain acts therein named, having had the same under consideration, report it back with following amendments, and recommend its passage when so amended:

In section 7, lines 8 and 9, strike out the words "containing more than five hundred thousand dollars valuation of taxable property on the duplicate."

In section 8, line 3, strike out the word "fifty" and insert "twenty-five."

In section 8, strike out line 27 to the word "all" and insert in lieu thereof "between the first day of August and the fifteenth day of June following year."

A. SPANGLER, A. L. BROWN,
J. R. JOHNSTON, A. R. HAINES,
J. B. WILLIAMS.

The amendments were agreed to, and ordered to be engrossed.

The bill was ordered to be read the third time Tuesday.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills and joint resolutions:

H. B. No. 409—To amend section 3 of an act further providing for converting toll roads into free roads, passed May 3, 1873. (O. L. vol. 70, p. 255.)

H. B. No. 529—To amend section 1 of an act amendatory of an act entitled an act to provide for the safety of persons attending public assemblies, passed April 13, 1865, amended May 12, 1868. (S. & S. p. 635.)

H. B. No. 760—To authorize the Trustees of Fowler township, Trumbull county, to transfer money therein named, to the general township fund of said township.

H. B. No. 727—To authorize the transfer of certain funds of the village of Garrettsville, Portage county, Ohio.

H. B. No. 574—To create the office of Court Interpreter in certain Judicial Districts.

H. B. No. 440—To incorporate Associations for the mutual protection of its members against loss by fire.

H. B. No. 439—To authorize the Commissioners of Ross county to build a bridge across the Scioto river, and levy a tax for that purpose.

H. J. R. No. 95—Requesting the Board of Public Works to report forthwith the rates of tolls and exemptions on the Western Reserve and Maumee road.

H. B. No. 657—Amendatory of an act entitled an act to authorize the Commissioners of Hamilton and Clermont counties to build a bridge over the Little Miami river, passed April 7, 1876. (O. L. vol. 73, p. 86.)

H. B. No. 644—To authorize the Board of Education of Perry township, Lawrence county, to levy a tax to pay the indebtedness of said township, incurred in the erection of school houses.

H. B. No. 733—To authorize the Council of the incorporated village of Coshocton, to transfer certain funds therein named, to the cemetery fund of said village.

H. J. R. No. 93—Providing for the treatment and restraint of Erastus Sinkler.

H. J. R. No. 105—Providing for the printing of two thousand additional copies of the Report and accompanying documents of the Ashtabula bridge disaster.

E. L. Lybarger, Thos. S. Luccock,
C. J. Swan, T. P. Brown,
C. E. Lewis, Asa Toberen.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and joint resolutions:

H. B. No. 733—Mr. Lybarger—To authorize the council of the incorporated village of Coshocton to transfer certain funds therein named to the cemetery fund of said village.

H. B. No. 657—Mr. Zumstein—Amendatory of an act entitled "An act to authorize the Commissioners of Hamilton and Clermont counties to build a bridge over the Little Miami river," (O. L., vol. 73, p. 286).

H. B. No. 574—Mr. Goebel—To create the office of court interpreter in certain judicial districts.

H. B. No. 440—Mr. Fenton—To incorporate an association for the mutual protection of its members against loss by fire.

H. B. No. 644—Mr. Nigh—To authorize the board of education of Perry township, Lawrence county, to levy a tax to pay the indebtedness of said township, incurred by the erection of school houses.

H. B. No. 727—Mr. Blake—To authorize the transfer of certain funds of the village of Garrettsville, Portage county, Ohio.

H. B. No. 439—Mr. Entrekin—To authorize the Commissioners of Ross county to build a bridge across the Scioto river, and to levy a tax for that purpose.

H. J. R. No. 93—Mr. Monahan—Providing for the treatment and restraint of Erastus Sinkler.

H. J. R. No. 95—Finance Committee—Requesting the board of public works to report forthwith the rates of tolls and exemptions on the Western Reserve and Maumee road.

H. J. R. No. 105—Mr. Converse—Providing for the printing of two thousand additional copies of the report and accompanying documents of the Ashtabula bridge disaster.

Attest: Wm. Leonard, *Clerk.*

The President, in presence of the Senate, signed said bills and joint resolutions.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution in which the concurrence of the Senate is requested:

H. J. R. No. 110—Mr. Zumstein—Providing for the sale of old furniture and carpets, now in possession of the Adjutant-General, and belonging to the State.

Attest: WM. LEONARD, *Clerk.*

Referred to the committee on State Buildings.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 384—Mr. Kent—To amend an act entitled "An act to authorize the city council of the city of Akron to levy a tax for cemetery purposes," passed March 19, 1877.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 821—Mr. Mesloh—To amend section three of an act entitled "An act to establish a board of state charities, and defining its duties."

H. B. No. 822—Mr. Raudabaugh—For the relief of the Mercer county agricultural society.

H. B. No. 823—Mr. Garwood—For the relief of the commissioners of the Marysville, New California and Franklin county line free turnpike.

H. B. No. 824—Mr. Carothers—To amend section one of an act to provide for the safety of persons attending public assemblies," passed May 12, 1868, (vol. 65, stat. 179).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 825—Mr. Bard—For the relief of William Huff.

H. B. No. 826—Mr. Fenton—To authorize the payment of certain claims therein named.

H. B. No. 827—Mr. Quinby—To authorize the village council of Clarksville, Clinton county, Ohio, to levy a tax for the relief of G. W. Garrison and Ezekiel Cast.

H. B. No. 828—Mr. Johnson—To authorize the town council of the incorporated village of Dennison, Tuscarawas county, to levy a tax.

H. B. No. 829—Mr. Watson—To amend section 33 of an act for open-

ing and regulating roads and highways, passed January 27, 1853, (S. & C., pp. 1297-8).

H. B. No. 830—Mr. Oglevee—To amend section 1 of an act to amend sections 1 and 4 of an act entitled "An act to provide for the repair of free turnpike roads in certain counties, and to authorize County Commissioners of any county in this State to constitute a board of directors to regulate the hauling of heavy burdens on any free turnpike or improved road," passed and took effect April 20, 1874, passed March 17, 1875, (O. L., vol. 72, p. 59), passed April 3, 1876, (O. L., vol. 73, p. 151).

H. B. No. 831—Mr. Converse—Vesting the police commissioners with certain powers and duties of a board of health in cities of the second-class, having a population of more than 31,000 and less than 35,000 at the last Federal census, and not having a board of Health.

H. B. No. 832—Mr. Converse—To more effectually prevent fraud in the canvassing of votes and making election returns.

H. B. No. 833—Mr. Converse—To compel railroads to construct ditches in certain cases.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives, has indefinitely postponed—

S. B. No. 340—Mr. Lewis—To create a sub-school district in Dover township, Tuscarawas county, out of territory within the Dover Union school district, in said township.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 304—Mr. Lewis—Supplementary to an act to provide for the sale of three several tracts of Moravian lands, in the county of Tuscarawas, passed March 20, 1840, (Local Laws, vol. 38, page 164).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has adopted the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 106—Mr. Bohl—Authorizing the Adjutant-General to loan battle flags, artillery, muskets and infantry accoutrements to the executive committee for the fourth annual reunion of ex-soldiers and sailors, to be held at Marietta, in September, 1877.

Attest: WM. LEONARD, *Clerk.*

Referred to the committee on Military Affairs.

Mr. Johnston offered the following resolution.

S. R. No. 101—

WHEREAS, On the 29th day of March, A. D. 1877, in the case of Cox

vs. Harmon, pending in this body, wherein said Joseph Cox, contested the election of said Judson Harmon, to the office of Judge of the Court of Common Pleas in the First Judicial District of the State of Ohio, the Senate by a vote had on said day determined said contest in favor of said Joseph Cox and against said Judson Harmon; and,

WHEREAS, On said day it was duly declared as the judgment of this Senate, and so entered upon the Journal thereof, that said Joseph Cox was, on the second Tuesday of October, A. D. 1876, duly elected as Judge of the Court of Common Pleas, within and for said Judicial District, to serve as such for the term of five years from and after the second Tuesday of February, A. D. 1877; therefore, be it,

Resolved, That the Clerk of the Senate be, and he is hereby directed, to make a complete transcript of so much of the Journal of the Senate of March 29, 1877, as relates to said case of Cox *vs.* Harmon, and that when the same is so made out it shall be duly signed by the President of the Senate, and attested by the Clerk thereof, and shall be by the Sergeant-at-Arms duly served upon said Judson Harmon, as provided by law.

The resolution was laid on the table, under notice of intention to discuss its provisions, given by Mr. Andrew.

On motion of Mr. Lewis, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

SATURDAY, MARCH 31, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. W. E. Moore.

The Journal was read and approved.

Mr. Johnston moved that S. R. No. 101 be taken from the table.

Which was agreed to.

Mr. Andrews moved that the resolution be made the special order for Tuesday, 3 o'clock P. M.

Which was agreed to.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled, the following bills:

H. B. No. 604—To authorize the trustees of Paris township, Union county, Ohio, to join with the council of the incorporated village of Marysville, Ohio, in the purchase of grounds for cemetery purposes, and to levy a tax, issue bonds and borrow money to pay therefor.

H. B. No. 631—To authorize the council of the incorporated village of Lebanon, Warren county, Ohio, to contract for the building of, and build, a town hall, corporation prison, and corporation offices connected therewith, as provided for by the resolutions and ordinances passed by the council of said village, and to execute, issue and sell the bonds authorized to be executed, issued and sold by an ordinance of said village, passed January 18, 1875.

H. B. No. 741—To authorize the trustees of Ridgeville township, Lorain county, Ohio, to levy a tax to construct a vault and receptacle for the dead.

H. B. No. 368—To require marshals of cities of the second class to

keep a record of all the property that falls into their hands, and account for the same to the mayor.

H. B. No. 549—To amend section one of an act entitled "An act to provide for the execution and supervision of the State printing and binding," passed and took effect March 24, 1860.

H. B. No. 694—To amend section sixty-two of an act entitled "An act to provide for the re-organization and government of municipal corporations," passed May 7, 1869, (O. L., vol. 66, p. 160,) as amended April 4, 1872, (O. L., vol. 69, p. 64.)

H. B. No. 252—To amend section one of an act entitled "An act to provide for the publication of the number of horses, cattle, sheep, hogs and other animals returnable for taxation," passed March 16, 1869, (O. L., vol. 66, p. 26.)

S. B. No. 348—To create a special school district in Sandy township, Tuscarawas county.

S. B. No. 384—To amend an act entitled "An act to authorize the city council of the city of Akron, to levy a tax for cemetery purposes," passed March 19, 1877.

S. B. No. 312—To secure the collection of delinquent taxes.

S. B. No. 291—To provide for obtaining and publishing reports of banks, savings institutions and trust companies, organized under the laws of this State.

C. J. Swan, T. P. Brown,
E. C. Lewis, E. L. Lybarger,
Thos. S. Luccock.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bill:

H. B. No. 741—Mr. Faxon—To authorize the trustees of Ridgeville township, Lorain county, Ohio, to levy a tax to construct a vault or receptacle for the dead.

Attest: Wm. Leonard, *Clerk.*

The President, in presence of the Senate, signed said bill.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 631—Mr. Wales—To authorize the council of the incorporated village of Lebanon, Warren county, Ohio, to contract for the building of, and to build, a public hall, corporation prison and corporation offices connected therewith, as provided for by the resolutions and ordinances passed by the council of said village, and to execute, issue and sell the bonds authorized to be executed, issued and sold, by an ordinance of said village, passed January 18, 1875.

H. B. No. 252—Mr. West—To amend section one of an act entitled "An act to provide for the publication of the number of horses, cattle, sheep, hogs and other animals returnable for taxation, passed March 16, 1869, (O. L., vol. 66, page 26.)

H. B. No. 549—Mr. Entrekin—To amend section one of an act entitled "An act to provide for the execution and supervision of the State printing and binding," passed and took effect March 24, 1860.

H. B. No. 604—Mr. Garwood—To authorize the trustees of Paris township, Union county, Ohio, to join with the council of the incorporated village of Marysville, Ohio, in the purchase of grounds for cemetery purposes, and to levy a tax, issue bonds and borrow money to pay therefor.

H. B. No. 694—Mr. Dempcy—To amend section sixty-two of an act entitled "An act to provide for the re-organization and government of Municipal Corporations," passed May 7, 1869, (O. L., vol. 66, p. —), as amended April 4, 1872, (O. L., vol. 69, p. 64.)

H. B. No. 368—Mr. Sellards—To require marshals of cities of the second class to keep a record of all property that falls into their hands, and account for the same to the Mayor.

Attest: WM. LEONARD, *Clerk.*

The President, in the presence of the Senate, signed said bills.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

S. B. No. 291—Mr. Knox—To provide for obtaining and publishing reports of banks, savings institutions and trust companies, organized under the laws of this State.

S. B. No. 312—Mr. Curtiss—To secure the collection of delinquent taxes.

S. B. No. 348—Mr. Lewis—To create a separate school district in Sandy township, Tuscarawas county.

S. B. No. 384—Mr. Kent—To amend an act entitled "An act to authorize the city council of the city of Akron to levy a tax for cemetery purposes," passed March 19, 1877.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills.

Mr. Brown of Ross, on leave, submitted the following report:

The standing committee on Roads and Highways, to whom was referred H. B. No. 622—To extend the time of paying the assessments upon the Rome and Mineral Spring free turnpike road, and to provide for a refunding of such bonds, issued for the construction thereof, as may be due and outstanding on the 20th day of June, 1877—having had the same under consideration, report it back and recommend its passage.

A. L. BROWN, A. SPANGLER,
MARVIN KENT, J. R. JOHNSTON,
A. R. HAINES.

The bill was ordered to be read the third time Tuesday.

Bills were read the second time and referred as follows:

H. B. No. 426—To authorize the creation of a special school district in Goodhope township, Hocking county.

To the committee on Common Schools.

H. B. No. 764—To repeal an act entitled "An act to incorporate school district No. 1, in York and Clinton townships, Fulton county," (Ohio Laws, volume 49, page 571.)

To the committee on Common Schools.

H. B. No. 785—To authorize the Commissioners of Stark county to increase the levy for county fund.

To the committee on Finance.

H. B. No. 761—To divide the township of Perry, Wood county, Ohio, into two election precincts.

To the committee on Privileges and Elections.

H. B. No. 715—To authorize the creation of a special school district in Jefferson township, Guernsey county, Ohio.

To the committee on Common Schools.

H. B. No. 730—To authorize the levy of taxes to rebuild or make repairs to county infirmary, or children's home buildings, when loss by fire or other casualty is sustained.

To the committee on Soldiers' and Sailors' Orphans' Home.

H. B. No. 771—To authorize the Commissioners of Columbiana county, Ohio, to repair West Point and Hanover road.

To the committee on Roads and Highways.

H. B. No. 584—To authorize the Commissioners of Pickaway county, Ohio, to build a bridge across the Scioto river, at or near Mackey's ford, in said county, and to levy a tax for that purpose.

To the committee on Finance.

H. B. No. 818—To authorize the Trustees of Wayne township, Clermont county, Ohio, to transfer certain funds.

To the committee on Finance.

H. B. No. 736—To fix the time for holding an additional term of the district court in Vinton county.

To the committee on Judiciary.

H. B. No. 685—To create a special school district in school districts Nos. 6 and 7, in Norwich township, Franklin county, Ohio, and school districts Nos. 4 and 5, in Brown township, in said county, and school district No. 2, in Prairie township, in said county.

To the committee on Common Schools.

H. B. No. 596—To amend the act creating the office of county surveyor, passed March 3, 1831.

To the committee on Judiciary.

On motion of Mr. Burns, the Senate adjourned until 3 o'clock P. M., Monday.

Attest: J. C. DONALDSON, *Clerk.*

MONDAY, APRIL 2, 1877—3 o'clock P. M.

The Senate met pursuant to adjournment.

The journal was read and approved.

Bills were read the second time and referred as follows:

S. B. No. 379—Relating to dams for hydraulic purposes.

To the committee on Judiciary.

S. B. No. 380—To authorize the construction of bridges across the Ohio river in certain cases.

To the committee on Federal Relations.

S. B. No. 381—To authorize the Trustees of the Shakerville church union, in the township of Chippewa, in the county of Wayne, to sell the real estate belonging to said church union.

To the committee on Corporations other than Municipal.

S. B. No. 382—To authorize narrow-gauge railroad companies to issue bonds.

To the committee on Railroads and Telegraphs.

S. B. No. 385—Mr. Swan, from the committee on Universities and Colleges—To confer on cities and villages having a population of less than twenty thousand inhabitants at the last federal census, power to restrain, regulate and prohibit the sale of intoxicating liquors where a school and college exist within the limits of such city or incorporated village.

To the commitee on Temperance.

S. B. No. 386—To amend an act concerning divorce and alimony, passed March 11, 1853 (S. & C., p. 509).

To the committee on Judiciary.

S. B. No. 388—To amend section 70 an act entitled "An act to establish a code of civil procedure," passed March 11, 1853, as amended February 11, 1874 (71 O. L., 304).

To the committee on Judiciary.

S. B. No. 389—Supplementary to an act entitled "An act authorizing the County Commissioners of Ross county to build a county jail and to issue bonds therefor," passed March 17, 1877.

To the committee on Finance.

S. B. 390—For the further protection of cemeteries in Ohio.

To committee on Agriculture.

S. B. No. 391—To regulate the price of legal advertising.

To the committee on Public Printing.

S. B. No. 392—Authorizing the formation of partnership associations, in which the capital subscribed shall alone be responsible for the debts of the association, except under certain circumstances.

To the committee on Judiciary.

S. B. No. 393—To amend an act therein named.

To the committee on Judiciary.

The following bill was introduced, on leave, and read the first time:

S. B. No. 394—Mr. Rukenbrod—Prohibiting contracts for contingent fees by attorneys in action for libel and slander.

On motion of Mr. Spangler the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

TUESDAY, APRIL 3, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev I. F. King.

The Journal was read and approved.

Mr. Andrews presented the petition of James H. Sims and 710 other citizens of Van Wert county, asking a law governing dams across rivers and creeks in the State for hydraulic purposes, as embodied in Senate Bill No. 379.

Which was referred to the committee on Judiciary.

The following bill was introduced, on leave, and read the first time:

S. B. No. 395—Mr. Rukenbrod—To amend section 1 of an act entitled "An act to establish a reform and industrial school for girls," passed May 5, 1869, (O. L., vol. 66, p. 110.)

On motion of Mr. Philson, the Senate took a recess.

THREE O'CLOCK P. M.

Leave of absence was granted Messrs. Beatty, Haines, Knox and Williams until to-morrow.

On demand of Mr. Kleinschmidt, a call of the Senate was had.

Twenty-three Senators answered to their names.

Messrs. Ault, Beatty, Burress, Ellis, Haines, Knox, Lewis, Miller, Monahan, Philson, Ransom, Reese, Sheridan, Warnock and Williams were absent.

The Sergeant-at-Arms was dispatched for absentees.

Messrs. Burress and Miller appeared within the bar and answered to their names.

All further proceedings under the call were dispensed with.

On motion of Mr. Kessler, the standing committee on Public Printing was discharged from the further consideration of S. B. No. 391—To regulate the price of legal advertising.

The bill was referred to the committee on Municipal Corporations.

Mr. Swan submitted the following report:

The standing committee on Judiciary to whom was referred S. J. R. No. 58—having had the same under consideration, report it back, with following amendments, and recommend its adoption when so amended:

In line 4, after the figures 1877, insert the words "as amendments to the constitution."

In line 5, after the word "officers," insert the word "and."

In line 6, strike out the words "and Representatives in Congress."

In line 8, strike out the word "and."

In line 14, after the word "diminish," insert the words "by one year," and at the close of sub-division two, strike out the words "by one year."

J. H. BATES, A. M. BURNS,
C. J. SWAN, JAMES W. OWENS.

The amendments were agreed to.

Mr. Curtiss moved that the resolution be amended as follows:

Strike out lines 11, 12, 13, 14 and 15.

Strike out of line 18, all after the word "election," and all of lines 19, 20 and 21.

Which was agreed to.

The question being on the adoption of said resolution, the yeas and nays were taken and resulted—yeas 25, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Lucas, Brown of Boss, Burns, Burress, Curtiss, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Miller, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan and Warnock—25.

Mr. Stanton voted in the negative—1.

So the resolution was adopted.

The following bill was introduced, on leave, and read the first time:

S. B. No. 396—Mr. Andrews—Relating to certain proposed amendments to the constitution, and the publication of this act.

Mr. Schenck submitted the following report:

The standing committee on Revision has examined and found correctly engrossed S. Bs. Nos. 142, 387 and 272.

J. C. Schenck,
H. V. Kerr,
James W. Owens.

Mr. Schenck submitted the following report:

The standing committee on Benevolent Institutions, to whom was referred S. J. R. No. 96—Providing for the payment of the claims of Bomm & Field, contractors for the cut stone work of the Ohio Institution for the Education of the Blind—having had the same under consideration, report it back and recommend its adoption.

J. C. Schenck, J. K. Rukenbrod,
E. T. Stickney, J. R. Philson.

Mr. Miller moved that the resolution be amended as follows:

"Strike out all after the word "state" in line thirty-six.

Which was agreed to.

Mr. Brown of Lucas moved that the further consideration of the resolution be postponed until 10½ o'clock a. m., Thursday.

Which was disagreed to.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 20, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Ross, Burrows, Curtiss, Ellis, Haines, Hudson, Kerr, Kessler, Knox, Lewis, Miller, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Stanton and Stickney—20.

Those who voted in the negative were—

Messrs. Burns, Johnston, Kent, Kleinschmidt, Spangler, Swan and Warnock—7.

So the resolution was adopted.

Mr. Rukenbrod, on leave, submitted the following report:

The standing committee on Soldiers' and Sailors' Orphans' Home, to whom was referred H. B. No. 730—To authorize the levy of taxes to rebuild or make repairs to county infirmaries or childrens' home buildings when loss by fire or other casualty is sustained—having had the same under consideration, report it back and recommend its passage.

J. K. Rukenbrod, A. Spangler,
Jno. H. Hudson, A. M. Burns,
A. L. Brown, Elias Ellis.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Swan and Warnock—27.

So the bill passed. The title was agreed to.

Mr. Warnock, on leave, submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 672—Supplementary to an act to provide for the settlement of the estates

of deceased persons, passed March 23, 1840—having had the same under consideration, report it back, and recommend its passage.

W. R. Warnock, A. M. Burns,
C. J. Swan, James W. Owens.

The bill was ordered to be read the third time to-morrow.

Mr. Warnock, on leave, submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 597—To amend section 436 of the code of civil procedure, as passed March 11, 1853, took effect June 1, 1853, (51 vol., stat. 57), as amended and took effect April 6, 1859—having had the same under consideration, report it back and recommend its passage.

W. R. Warnock, A. M. Burns,
C. J. Swan, James W. Owens.

The bill was ordered to be read the third time to-morrow.

Mr. Brown of Ross submitted the following report:

The standing committee on Agriculture, to whom was referred H. B. No. 98—For the protection of wool growers and the confiscation of dogs, —having had the same under consideration, report it back with following amendments and recommend its passage when so amended:

In section 2, lines 12 and 13, strike out the words "with a pertinent designation of such premises."

At the end of section 6 add:

"And it shall be the duty of any court before whom the trial for damages aforesaid is had, to declare the dog or dogs found to have occasioned the damage, common nuisances, and shall make an order requiring the defendants to kill such dog or dogs, or cause the same to be done within twenty-four hours after the rendition of judgment. Any such defendant refusing or neglecting to comply with such order, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the jail of the county, not less than ten nor more than thirty days, at the discretion of the court."

In section 14, strike out the words "July 1, 1877," and insert "its passage."

A. L. Brown, H. Kessler,
A. Spangler, A. M. Burns.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time Thursday.

The following bill was introduced, on leave, and read the first time:

S. B. No. 397—Mr. Schenck—To authorize the creation of a special school district in East Cleveland township, Cuyahoga county.

S. J. R. No. 101—Relative to officially notifying Judson Harmon of the judgment of the Senate in the Cox-Harmon contested election case, the special order for this hour, was taken up for further consideration.

Mr. Kent moved that the Senate take a recess until 10 o'clock, A. M. to-morrow.

Mr. Andrews moved that the Senate adjourn.

Which was disagreed to.

The motion to take a recess was disagreed to.

Mr. Andrews moved that the Senate adjourn.

Which was disagreed to.

On demand of Mr. Lewis a call of the Senate was had.

Twenty-nine Senators answered to their names.

Messrs. Ault, Beatty, Miller, Reese, Sheridan, Stokes and Williams were absent.

All further proceedings under the call were dispensed with.

Mr Hudson moved that the resolution be amended as follows:

Erase the words "Sergeant-at-Arms" and insert "Senators from Muskingum."

The President decided the motion out of order, the Senate having no power to deputize a member for such duty.

Mr. Andrews appealed from the decision of the Chair.

The question being "Shall the decision of the Chair stand as the judgment of the Senate?" the yeas and nays were taken, and resulted—yeas, 19 nays 7, as, follows:

Those who voted in the affirmative were—

Messrs. Bates, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—19.

Those who voted in the negative were—

Messrs. Andrews, Ellis, Haines, Hudson, Lewis, Monahan and Owens—7.

So the decision was sustained.

Mr. Monahan moved that the Senate take a recess until 9½ o'clock A. M. to-morrow.

Which was disagreed to.

Mr. Monahan moved that the Senate adjourn.

On which motion the yeas and nays were demanded, taken and resulted—yeas 8, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Burress, Ellis, Haines, Hudson, Lewis, Monahan, Owens and Stickney—9.

Those who voted in the negative were—

Messrs. Bates, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—19.

So the motion was disagreed to.

Mr. Stanton demanded the previous question.

Which demand was seconded by Messrs. Kleinschmidt, Kessler, Johnston, Brown of Lucas and Knox.

Mr. Andrews moved that the Senate adjourn.

On which motion the yeas and nays were taken, and resulted—yeas 9, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Burress, Ellis, Haines, Hudson, Lewis, Monahan, Owens and Stickney—9.

Those who voted in the negative were—

Messrs. Bates, Brown of Lucas, Brown of Ross. Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Stanton, Spangler, Swan and Warnock—19.

So the motion was disagreed to.

Mr. Monahan moved that the motion be laid on the table.

On which motion the yeas and nays were demanded, taken and resulted—yeas 9, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Burress, Ellis, Haines, Hudson, Lewis, Monahan, Owens and Stickney—9.

Those who voted in the negative were—

Messrs. Bates, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—19.

So the motion was disagreed to.

The question being "Shall the main question now be put ?" the yeas and nays were taken and resulted—yeas 19, nays 9, as follows :

Those who voted in the affirmative were—

Messrs. Bates, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Stanton, Spangler, Swan and Warnock—19.

Those who voted in the negative were—

Messrs. Andrews, Burress, Ellis, Haines, Hudson, Lewis, Monahan, Owens and Stickney—9.

So the demand was sustained.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 19, nays 9, as follows :

Those who voted in the affirmative were—

Messrs. Bates, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—19.

Those who voted in the negative were—

Messrs. Andrews, Burress, Ellis, Haines, Hudson, Lewis, Monahan, Owens and Stickney—9.

So the resolution was adopted.

On motion of Mr. Rukenbrod,, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

WEDNESDAY, APRIL 4, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. Thos. N. Barkdoll of Toledo.

The Journal was read and approved.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 759—Mr. Norton—To authorize the Council of the incorporated village of Fostoria, in Seneca county, Ohio, to borrow money to purchase a steam fire engine.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 319—Mr. Lewis—For the relief of Thomas H. Farmilton.

S. B. No. 349—Mr. Stickney—For the relief of Peter Weikert.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 828—Mr. Johnson—To authorize the Town Council of the incorporated village of Denison, Tuscarawas county, to levy a tax to build a Mayor's office.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 791—Mr. Hart—For the relief of Joseph Barrington.

H. B. No. 594—Mr. Sellards—To authorize the Commissioners of Scioto county to purchase toll road and levy tax to pay for same.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 247—Mr. Bates—Supplementary to the act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants, passed May 4, 1869, with the following amendments, in which the concurrence of the Senate is requested:

Strike out in section 1, line 15, to the end the following:

"Provided further, that said Trustees may operate so much of said railway as is completed, or any part or parts thereof, until such contract is entered into, and may lease rolling stock for that purpose."

Section 1, in line 10, after the word "advertise" insert "once a week." Same section, line 11, strike out the words "ninety days" and insert "eight weeks."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken and resulted—yeas 2, nays 22, as follows:

Those who voted in the affirmative were—

Messrs. Andrews and Miller—2.

Those who voted in the negative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Hudson, Kent, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Rukenbrod, Spangler, Stanton, Stickney, Swan and Warnock—22.

So the Senate refused to concur in said amendments.

Upon motion of Mr. Kessler, a message was sent to the House of Representatives informing the body of said action of the Senate.

Mr. Burrows moved that the committee on Federal Relations be discharged from the further consideration of S. B. No. 380—To authorize the construction of bridges across the Ohio river in certain cases.

Which was agreed to.

The bill was referred to select committee, of four, Messrs. Bates, Kessler, Kleinschmidt and Ransom.

Mr. Brown of Lucas presented the petition of M. A. Patchen and 180 other citizens of Lucas county, asking the General Assembly to make an appropriation to complete the Providence slack water on the Miami and Erie canal in accordance with the report of John W. Erwin resident Engineer of Miami and Erie canal.

Which was referred to the committee on Public Works.

Mr. Stanton presented the petition of Charles Patterson and 68 other citizens of Morgan county, asking for the creation of a special school district in Marion township in said county.

Which was referred to the committee on Common Schools.

Mr. Brown of Lucas presented the petition of Taylor, Rogers & Co. and 50 other merchants of Lucas county, asking the passage of Senate bill No. 301 by Mr. Brown of Lucas.

Which was referred to the committee on Judiciary.

Mr. Stanton presented the petition of F. B. Pond and 69 other citizens of Malta, Morgan county, asking for the passage of a law authorizing the village of Malta, and the township of Malta, Morgan county, to levy a tax and issue bonds for the purpose of building a town hall.

Which was referred to the committee on Municipal Corporations.

Mr. Stanton presented the remonstrance of James Moore and 83 other citizens of Malta township, Morgan county, remonstrating against the passage of an act authorizing the Council of the village of Malta and the Trustees of the township of Malta, Morgan county, jointly to erect a town hall, unless the question is first submitted to the qualified voters of said town and township.

Which was referred to the committee on Municipal Corporations.

Mr. Lewis presented the petition of Edward Parish and 400 other citizens of Mill township, Tuscarawas county, praying for the relief of Katy Ann Urich and others from the payment of $1,951.35, defalcation of school and township funds.

Which was referred to the committee on Judiciary.

S. B. No. 142—For the reorganization and maintenance of common schools.

Was read the third time.

Mr. Ransom moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In line two, section ninety-nine, strike out the words "forty-five hundred," and insert "three thousand."

Mr. Burrows moved that the amendment be amended as follows:

"Strike out the word "fifty-three" before the word "thousand," and insert in lieu thereof "two."

Which was agreed to.

The amendment as amended was agreed to.

Mr. Ransom was appointed such select committee.

Mr. Ransom, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 142, with instructions to amend, reports the same back amended as instructed.

E. P. RANSOM.

Mr. Monahan moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section 35, line 2, after the word "control," insert:

"Provided that branches or studies taught or pursued in said schools where the public funds are used to carry on the same, shall not be of a higher grade than orthography, reading, writing, arithmetic, English grammar and geography."

On which motion the yeas and nays were demanded, taken, and resulted—yeas 2, nays 18, as follows:

Those who voted in the affirmative were—

Messrs. Miller and Monahan—2.

Those who voted in the negative were—

Messrs. Burns, Burrows, Curtiss, Haines, Kessler, Kleinschmidt, Knox, Lewis, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Swan and Warnock—18.

So the motion was disagreed to.

Mr. Lewis moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section 17, line 3, after the word "holding" insert, "state, county and township."

Which was disagreed to.

Mr. Warnock moved that the bill be referred to a select committee of one with instructions to amend as follows:

In section 17, line 3, strike out the word "elections" and insert "school meetings."

Which was agreed to.

Mr. Warnock was appointed such select committee.

Mr. Warnock, on leave, submitted the following report:

The Select Committee of one, to whom was referred S. B. No. 142, with instructions to amend, reports the same back amended as instructed.

W. R. WARNOCK.

On motion of Mr. Brown of Lucas the Senate took a recess.

THREE O'CLOCK P. M.

Mr. Swan moved that S. B. No. 142 be referred to a select committee of one with instructions to amend as follows:

Strike out all of section 55, after the word "districts" in line 17.

On demand of Mr. Burns a call of the Senate was had.

Thirty Senators answered to their names.

Messrs. Ault, Burress, Haines, Kerr, Miller and Stokes were absent.

All further proceedings under the call were dispensed with.

Leave of absence was granted Mr. Stokes until Saturday, and Mr. Haines until to-morrow.

The question being on the motion to refer said bill to a select committee of one, the yeas and nays were demanded, taken, and resulted—yeas 18, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Philson, Rukenbrod, Sehenck, Spangler, Stanton, Swan and Warnock—18.

Those who voted in the negative were—

Messrs. Andrews Ellis, Kerr, Knox, Lewis, Monahan, Owens, Ransom, Reese, Sheridan, Stickney and Williams—12.

So the motion was agreed to.

Mr. Swan was appointed such select committee:

Mr. Swan, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 142, with instructions to amend, reports the same back amended as instructed.

C. J. Swan.

Mr. Knox moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In line 6, section 39, strike out the word "seven" and insert the word "six."

Mr. Brown of Lucas moved to amend the amendment by striking the word "six" and inserting "five."

Which was disagreed to.

The motion to refer the bill to a select committee was agreed to.

Mr. Knox was appointed such select committee.

Mr. Knox, on leave, submitted the following report:

The select committee of one to whom was referred S. B. No. 142, with instructions to amend, reports the same back amended as instructed.

Samuel Knox.

Mr. Swan moved to refer the bill to a select committee of one with instructions to amend as follows:

In section No. 152, lines 20 and 21, strike out the words "except section 31 of said act as amended March 18, 1864."

Which was agreed to.

Mr. Swan was appointed such select committee.

Mr. Swan, on leave, submitted the following report:

The select committee of one to whom was referred S. B. No. 142, with instructions to amend, report the same back amended as instructed.

C. J. Swan.

Mr. Beatty moved that the bill be laid on the table.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 21, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Burns, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney and Warnock—21.

Those who voted in the negative were—

Messrs. Andrews, Ault, Burress, Burrows, Ellis, Hudson, Lewis, Monahan, Owens, Swan and Williams—11.

So the motion was agreed to.

H. B. No. 615—To provide for the payment of a town hall in Polk townsnip, Crawford county, Ohio.

Was read the third time.

The question being, "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 29, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Swan, Warnock and Williams —29.

So the bill passed. The title was agreed to, after being amended as follows:

Insert the word "debt" after the words "town hall."

On motion of Mr. Stanton the order whereby—

H. B. No. 586—Prescribing the rate of taxation for county bridge, road, and township purposes, and to repeal certain acts therein named —was ordered to be read the third time to-day, was discharged.

The bill was ordered to be read the third time to-morrow.

H. B. No. 622—To extend the time of paying the assessments upon the Rome and Mineral Springs free turnpike road, and to provide for a refunding of such bonds issued for the construction thereof as may be due and outstanding on the 20th day of June, 1877.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 28, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Lucas, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Swan, Warnock and Williams—28.

So the bill passed. The title was agreed to.

S. B. No. 272—To amend sections 43, 44 and 46 of an act to regulate the election of State and county officers, passed May 3, 1852, (S. & C., pp. 540, 541).

Was read the third time.

Mr. Monahan moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Section two, line eight, insert: *Provided*, if said Court is otherwise engaged, or may deem it proper, from any cause whatever, not to hear any contest that may arise under section forty-three of this act. Then it shall be the duty of said Court to select five disinterested persons, learned in the law, and recommend the same for appointment; and the Governor of the State is hereby authorized to appoint said persons as Commissioners, whose duty it shall be to hear and determine any contest that said Court may direct, under the rules and regulations prescribed in this act; and the decision of said Commissioners shall be the judgment of said Court, to be entered upon the journal, and enforced in like manner as though said cause had been heard and determined by the Court. The said Court shall determine the compensation said Commissioners are entitled to for their services, and the amount necessary for clerk hire, with all other necessary expenses; and the same shall be paid upon the warrant and order of said Court out of the general funds of the State; *Provided*, that said Court shall not be authorized to allow each Commissioner more than ten dollars per diem for the time actually engaged in hearing any cause that may arise under this act.

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 11, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Lucas, Ellis, Haines, Hudson, Kerr, Lewis, Monahan, Reese, Stickney and Williams—11.

Those who voted in the negative were—

Messrs. Bates, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Owens, Philson, Schenck, Spangler, Stanton, Swan and Warnock—16.

So the bill was lost.

Mr. Kessler submitted the following report:

The standing committee on Municipal Corporations, to whom was referred S. B. No. 391—To regulate the price of legal advertising—having had the same under consideration, report it back and recommend its passage.

H. Kessler, T. P. Brown,
J. C. Schenck, A. M. Burns.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Kessler submitted the following report:

The standing committee on Fees and Salaries to whom was referred H. B. No. 538—To provide for the relief of the estate of Stephen Mills—having had the same under consideration, report it back and recommend its passage.

H. Kessler, H. W. Curtiss,
Samuel Knox, A. Spangler.

The bill was ordered to be read the third time to-morrow.

S. B. No. 387—For the relief of Katy Ann Urick and others.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 20, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Lucas, Burress, Curtiss, Ellis, Haines, Hudson, Kerr, Kessler, Kleinschmidt, Lewis, Monahan, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stickney and Williams—20.

Messrs. Burns and Warnock voted in the negative—2.

The bill passed. The title was agreed to.

Mr. Brown of Lucas submitted the following report:

The standing committee on Municipal Corporations, to whom was referred S. B. No. 318—To amend section 434 of an act entitled "An act to establish a code of civil procedure," (S. & C., page 1073), passed March 11, 1853, and took effect June 1, 1853—having had the same under consideration, report it back and recommend its passage.

A. M. Burns, T. P. Brown,
H. Kessler, J. C. Schenck,
R. E. Reese.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Burrows submitted the following report:

The standing committee on Common Schools, to whom was referred H. B. No. 752—Authorizing the Board of Education of Genoa Special School District, in Ottawa county, to levy a tax to pay a judgment—having had the same under consideration, report it back and recommend its passage.

S. S. Burrows, E. P. Ransom,
Samuel Knox, W. R. Warnock,
E. T. Stickney, James W. Owens,
Wm. Sheridan, Jr.

The bill was ordered to be read the third time to-morrow.

Mr. Burns, on leave, submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 736—To fix the time for holding an additional term of the District Court in Vinton county—having had the same under consideration, report it back and recommend its passage.

J. H. Bates, A. M. Burns,
C. J. Swan, W. R. Warnock,
Geo. W. Andrews, James W. Owens.

The bill was ordered to be read the third time to-morrow.

Mr. Bates, on leave, submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 496—To provide for the equalization of the valuation of bank shares for taxation, and to repeal an act therein named—having had the same under consideration, report it back and recommend its passage.

Samuel Knox, J. H. Bates,
R. Stanton, Jno. H. Hudson,
Elias Ellis.

The bill was ordered to be read the third time to-morrow.

Mr. Spangler, on leave, submitted the following report:

The standing committee on Claims, to whom was referred H. B. No. 565—To authorize the Auditor of Butler county, Ohio, to pay a claim named therein—having had the same under consideration, report it back and recommend its passage.

A. Spangler, Wm. Miller,
T. P. Brown, H. V. Kerr.

The bill was ordered to be read the third time to-morrow.

Mr. Haines submitted the following report:

The standing committee on Roads and Highways, to whom was referred H. B. No. 726—To authorize the Commissioners of Darke county to levy a tax to pay off an existing indebtedness on the fair grounds of said county—having had the same under consideration report it back without recommendation.

A. R. Haines, M. Kent,
A. Spangler, J. B. Williams,
J. R. Johnston. W. Sheridan, Jr.

The bill was ordered to be read the third time to-morrow.

Mr. Brown of Ross, on leave, submitted the following report:

The standing committee on Roads and Highways, to whom was referred H. B. No. 703—To give certain power to establish turnpike plank roads in Brooklyn village, Cuyahoga county, Ohio—having had the same under consideration, report it back without recommendation.

A. L. Brown, A. Spangler,
J. B. Williams, J. R. Johnston,
W. Sheridan, Jr., A. R. Haines,
M. Kent.

The bill was ordered to be read the third time to-morrow.

Mr. Burns, on leave, submitted the following report:

The standing committee on Military Affairs, to whom was referred H.

J. R. No. 106—Authorizing the Adjutant-General to loan battle flags, artillery, muskets, and infantry accoutrements to the executive committee of the fourth annual reunion of the ex-soldiers and sailors, to be held at Marietta, in September, 1877—having had the same under consideration, report it back and recommend its adoption.

A. M. Burns, Geo. W. Andrews,
E. C. Lewis, A. L. Brown,
Elias Ellis, J. R. Philson,
J. H. Bates.

The further consideration of the resolution was postponed until tomorrow.

On motion of Mr. Kessler, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

Thursday, April 5, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by the Rev. J. F. King.

The Journal was read and approved.

Bills were read the second time and referred as follows:

H. B. No. 828—To authorize the Town Council of the incorporated village of Dennison, Tuscarawas county, to levy a tax to build a Mayor's office, was read the second time.

To Committee on Corporations other than Municipal.

H. H. No. 791—For the relief of Joseph Barrington.

To the committee on Finance.

H. B. No. 594—To authorize the Commissioners of Scioto county to purchase toll road and levy tax to pay for same.

To the committee on Roads and Highways.

H. B. No. 586—Prescribing the rate of taxation for county, bridge, road and township purposes, and to repeal certain acts therein named.

Was read the third time.

Mr. Monahan moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Section 7, line 6, strike out "five' and insert "seven."

On motion of Mr. Brown of Ross, the bill with pending amendments, was laid on the table.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 655—Mr. Converse—Creating a special school district in Crane township, Wyandot county, Ohio, and to authorize the Board of Education to build a school house therein.

Attest: Wm. Leonard, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives insists on its amendments to—

S. B. No. 247—Mr. Bates—Supplementary to the act relating to cities of the first class, having a population exceeding 150,000 inhabitants, passed May 4, 1869.

And asks for a committee of Conference.

Attest: WM. LEONARD, *Clerk.*

On motion of Mr. Kessler, the request of the House of Representatives was acceded to.

The President appointed Messrs. Warnock, Brown of Lucas, and Knox, as members of such committee on the part of the Senate.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed—

S. B. Nos. 391 and 318. Also H. B. No. 98—"Substitute."

W. W. BEATTY,
J. C. SCHENCK,
JAMES W. OWENS.

H. B. No. 557—For the prevention and cure of diseased animals.

Was read the third time.

Mr. Monahan moved that the bill be referred to a select committee of one with instructions to amend as follows:

Section 1, line 8, after the word "cholera," insert "epizootic in horses, hollow horn in cattle, snuffle or rot in sheep, and gapes in fowls."

On which motion the yeas and nays were demanded, taken, and resulted—yeas 14, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Brown of Lucas, Burns, Burress, Burrows, Hudson, Johnston, Kerr, Kessler, Knox, Monahan, Owens, Ransom, Sheridan and Williams —14.

Those who voted in the negative were—

Messrs. Andrews, Ault, Beatty, Brown of Ross, Curtiss, Haines, Kleinschmidt, Lewis, Philson, Reese, Rukenbrod, Spangler, Stanton, Stickney, Swan and Warnock—16.

So the motion was disagreed to.

Mr. Burrows moved that the bill be referred to a select committee of one with instructions to amend as follows:

Add to section 3 the following:

"Providing that the expense of said investigation be assessed, per capita, upon the hogs of the State."

Mr, Burns moved that the bill and pending amendment be laid on the table.

Which was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution, in which the concurrence of the Senate is requested:

Amended H. J. R. No. 97—Mr. Nigh—To amend the Constitution.

Attest: WM. LEONARD, *Clerk.*

Referred to the committee on Judiciary.

On motion of Mr. Spangler, the Senate took a recess.

THREE O'CLOCK P. M.

Mr. Burns, on leave, submitted the following report:

The standing committee on Judiciary to whom was referred H. J. R. No. 97—Mr. Nigh--Proposing an amendment to the Constitution, having had the same under consideration, report it back and recommend its adoption.

J. H. BATES, A. M. BURNS,
C. J. SWAN, N. P. BURRESS,
JAS. W. OWENS, W. R. WARNOCK.

On demand of Mr. Burns a call of the Senate was had.

Thirty-four Senators answered to their names.

Messrs. Ellis and Stokes were absent.

On motion of Mr. Burress, leave of absence was granted to Mr. Ellis until to-morrow.

All further proceedings under the call were dispensed with.

The question being on the adoption of the resolution the yeas and nays were taken, and resulted—yeas 27, nays 4, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Burns, Burress, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom Reese, Rukenbrod, Schenck, Spangler, Stickney, Swan, Warnock and Williams—27.

Those who voted in the negative were—

Messrs. Andrews, Ault, Miller, and Stanton—4.

So the resolution was adopted.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled the following bills:

H. B. No. 730—To authorize the levy of taxes to rebuild or make repairs to County Infirmary or Children's Home buildings, when loss by fire or other casualty is sustained.

H. B. No. 655—To create a sub-school district in Crane township, Wyandot county, Ohio.

E. L. LYBARGER, THOS. L. LUCCOCK,
J. W. WASHBURN, E. C. LEWIS,
T. P. BROWN, C. J. SWAN.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 650—Mr. Dalzell—For the relief of Henry Abrendts, treasurer of Jefferson township, Noble county.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has agreed to the report of the com-

mittee of Conference on matters of difference between the two Houses on—

S. B. No. 38—Mr. Burns—To provide means for the defense of persons accused of crime unable to employ counsel.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has appointed Messrs. Dempcy, Richards and Myers as a committee of conference on the part of the House, on matters of difference between the two Houses on—

S. B. No. 247—Mr. Bates—Supplementary to the act relating to cities of the first-class, having a population exceeding 150,000 inhabitants, passed May 4, A. D. 1869.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 338—Mr. Stickney—To amend an act entitled "An act to authorize the Commissioners of Seneca county to build a jail and issue bonds therefor."

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 730—Mr. Monahan—To authorize the levy of taxes to rebuild or make repairs to county infirmary or children's home buildings, when loss by fire or other casualty is sustained.

H. B. No. 655—Mr. Converse—Creating a special school district in Crane township, Wyandot county, Ohio, and to authorize the board of education to build a school house therein.

Attest: WM. LEONARD, *Clerk.*

The President, in the presence of the Senate, signed said bills.

On motion of Mr. Spangler, H. B. No. 557—For the prevention and cure of diseased animals—was taken from the table.

The motion to refer the bill to a select committee of one with instructions to amend, was disagreed to.

Mr. Burrows moved that the bill be referred to a select committee of one with instructions to amend as follows:

Strike out all after the enacting clause, and insert the following:

That any person or persons in this State, who, upon investigation, shall discover a remedy for the so-called hog cholera, either as a preventive or specific cure of said disease, shall, by making the same public, and making satisfactory proof of the specific efficiency of said remedy, to the General Assembly of this State, receive from the State Treasury

the sum of three thousand dollars, for such investigation and discovery.

Section 2. That this act shall take effect and be in force from and after its passage.

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 20, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Curtiss, Hudson, Kerr, Kessler, Miller, Reese, Schenck, Sheridan, Spangler, Stickney, Swan, Warnock and Williams—20.

Those who voted in the negative were—

Messrs. Burns, Burrows, Haines, Johnston, Kent, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, and Ransom—12.

So the bill passed. The title was agreed to.

On motion of Mr. Johnston, H. B. No. 586—Prescribing the rate of taxation for county, bridge, road and township purposes, and to repeal certain acts therein named—was taken from the table.

The motion to refer the bill to a select committee of one (Mr. Monahan) with instructions to amend, was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 15, nays 8, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Brown of Lucas, Brown of Ross, Burns, Johnston, Kent, Kessler, Kleinschmidt, Owens, Philson, Sheridan, Spangler, Stickney, Warnock and Williams—15.

Those who voted in the negative were—

Messrs. Andrews, Burrows, Haines, Kerr, Knox, Ransom, Stanton and Swan—8.

So the bill was lost.

Mr. Burrows, on leave, submitted the following report:

The committee of conference on the matter of difference between the Senate and House on House amendments to Senate Bill No. 38—Mr. Burns—To provide means for the defense of persons accused of crime, unable to employ counsel, have considered the same and make the following report:

1st—That the Senate agree to the title of the re-engrossed bill as the same was agreed upon by the House, except the words "passed May 6, 1869," which words the House is asked to strike out.

2d—That the Senate agree to the first four lines of section 1 of the engrossed bill, except as to the words "passed May 6, 1869," and that the House strike out these words in this section.

3d—That the Senate agree to strike out the words "section one" of the original bill, and insert the words "section 104," and that the House agree to "section 104" in the form as presented in the original bill thus amended.

4th—That the Senate agree to section 2 of the re-engrossed bill, except the following words, of the 7th and 8th lines thereof, "except said original act of May 7, 1831," and that the House agree to strike out said words.

5th—That the Senate agree to strike out the words "section two" and insert the words "section three."

HERMAN P. GOEBEL,
THOS. E. DUNCAN,
A. J. SWAIM,
Committee on the part of the House.

A. M. BURNS,
J. H. BATES,
W. H. STOKES,
Committee on the part of the Senate.

The question being on concurring in said report, the yeas and nays were taken and resulted—yeas, 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Curtiss, Haines, Hudson, Johnston, Kessler, Kleinschmidt, Monahan, Owens, Ransom, Reese, Schenck, Sheridan, Spangler, Stickney, Swan, Warnock and Williams—24.

So the report was concurred in.

Mr. Curtiss moved that the vote whereby H. B. No. 586—Prescribing the rate of taxation for county, bridge, road and township purposes, and to repeal certain acts therein named—was lost, be reconsidered.

Which was agreed to.

The bill was laid on the table.

Mr. Burrows moved that H. B. No. 693—To amend section 30 of an act entitled "An act for opening and regulating roads and highways," passed January 27, 1853, (S. & C., 1296), as amended March 1, 1865, (S. & S., 692, vol. 62, p. 35)—be taken from the table.

Which was agreed to.

Mr. Burrows moved that the bill be referred to a select committee of one with instructions to amend as follows:

In section 30, line 10, insert after the word "land," the words "or from any railroad station."

Which was agreed to.

Mr. Burrows was appointed such select committee.

Mr. Burrows, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 693, with instructions to amend, reports the same back amended as instructed.

S. S. BURROWS.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Kent, Kessler, Kleinschmidt, Monahan, Owens, Ransom, Reese, Rukenbrod, Sheridan, Spangler, Stickney, Swan, Warnock and Williams—23.

The bill passed. The title was agreed to.

Mr. Andrews moved that the vote whereby S. B. No. 272—To amend sections 43, 44 and 46 of an act to regulate the election of State and county officers, passed May 3, 1852, (S. & C., pp. 540-541)—was lost, be reconsidered.

Which was agreed to.

The bill was laid on the table.

H. B. No. 672—Supplementary to an act to provide for the settlement of the estates of deceased persons, passed March 23, 1840.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 22, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Kent, Kerr, Kleinschmidt, Lewis, Monahan, Owens, Reese, Schenck, Sheridan, Spangler, Stickney, Swan and Williams—22.

Mr. Johnston voted in the negative—1.

So the bill passed. The title was agreed to.

On motion of Mr. Kerr, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

FRIDAY, APRIL 6, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. J. F. King.

The Journal was read and approved.

On motion of Mr. Bates the committee on Judiciary was discharged from the further consideration of H. B. No. 690—For the relief of Thos. Gilpin.

The bill was referred to a select committee of four, Messrs. Bates, Kessler, Kleinschmidt and Ransom.

Mr. Burns presented the petition of R. C. Smith and 14 other citizens of Mansfield, Richland county, praying for a certain amendment to S. B. No. 376.

Which was referred to the committee on Municipal Corporations.

Mr. Beatty offered the following joint resolution;

S. J. R. No. 60—*Resolved by the General Assembly of the State of Ohio,* That the State Commissioner of Common Schools be and he is hereby directed to procure at as early a day as is practicable the printing of two thousand additional copies of the History of Education in Ohio, and that the Supervisor of Printing be and he is hereby directed to have these said two thousand copies bound in muslin in a style uniform with those copies already bound.

Resolved, Further, that after these two thousand copies of the History of Education in Ohio are printed and bound they be deposited in the office of the State Commissioner of Common Schools, and that the State Commissioner of Common Schools be and he is hereby directed to sell said History of Education in Ohio to such persons as desire to purchase said History at a cost not exceeding the actual cost per copy of printing, storing and selling said History.

Resolved, Further, that the State Commissioner of Common Schools shall keep an account of the sale per copy of said History and receipt of money therefor, and on or before the 15th day of November in each year he shall turn the moneys for the sale of said Hlstory over to the Treasurer ot State and take his receipt for the amount of the same, and that a statement of said sales and receipts of money therefrom shall be incorporated in the annual report of said Commissioner of Common Schools.

Referred to the committee on Public Printing.

Bills were read the second time and referred as follows:

S. B. No. 394—Prohibiting ccntracts for contingent fees by attorneys in actions for libel and slander.

To the committee on Judiciary.

S. B. No. 395—To amend section 1 of an act entitled "An act to establish a reform and Industrial school for girls," passed May 5, 1869 (O. L., Vol. 66, p. 110).

To the committee on Reform Farm and Industrial School for Girls.

H. B. No. 597—To amend section 436 of the code of civil procedure, passed March 11, 1853, took effect June 1, 1853 (51 Vol, Statutes, 57), as amended and took effect April 6, 1859 (56, p. 242, S. & C., p. 1074.)

Was read the third time.

Mr. Haines moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In line 9, after the word "therein," add "and also in one German paper if any be published."

Which was agreed to.

Mr. Haines was appointed as such select committee.

Mr. Haines, on leave, submitted the following repost:

The select committee of one, to whom was referred H. B. No. 597, with instructions to amend, reports the same back amended as instructed.

A. R. Haines.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 17, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Brown of Lucas, Burress, Haines, Hudson, Kent, Kessler, Kleinschmidt, Lewis, Miller, Monahan, Reese, Schenck, Sheridan, Swan, Warnock and Williams—17.

Those who voted in the negative were—

Messrs. Bates, Brown of Ross, Burns, Burrows, Johnston, Knox, Owens, Philson, Ransom, Rukenbrod, Spangler and Stanton—12.

So the bill was lost.

By request of Mr. Curtiss leave of absence was granted Mr. Andrews until to-morrow.

On motion of Mr. Swan the vote whereby H. B. No. 597 was lost was reconsidered.

The bill was laid on the table.

H. B. No. 98—For the protection of wool growers and confiscation of dogs.

Was read the third time.

Mr. Monahan moved that the bill be laid on the table and ordered to be printed.

Which was agreed to.

H. B. No. 538—To provide for the relief of Stephen Mills.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 26, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Kent, Kessler, Kleinschmidt, Lewis, Miller, Monahan, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Swan, Warnock and Williams—26.

Those who voted in the negative were—
Messrs. Johnston and Owens—2.
So the bill passed. The title was agreed to.
S. B. No. 391—To regulate the price of legal advertising.
Was read the third time.
Mr. Bates moved that the bill be referred to a select committee of one, with instructions to amend as follows:
Strike out in line 5, from and including the word "which" to include the word "language" in the 7th line.
Which was agreed to.
Mr. Bates was appointed such select committee.
Mr. Bates, on leave, submitted the following report:
The select committee of one, to whom was referred S. B. No. 391, with instructions to amend, reports the same back amended as instructed.

J. H. Bates.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 22, nays 5, as follows:
Those who voted in the affirmative were—
Messrs. Ault, Bates, Beatty, Brown of Lucas, Burns, Burrows, Curtiss, Hudson, Kent, Kessler, Kleinschmidt, Lewis, Miller, Monahan, Philson, Sheridan, Spangler, Stanton, Stickney, Swan, Warnock and Williams —22.
Those who voted in the negative were—
Messrs. Haines, Johnston, Knox, Owens and Rukenbrod—5.
So the bill passed. The title was agreed to.
S. B. No. 318—To amend section 434 of an act entitled "An act to establish a code of civil procedure" (S. & C., p. 1073), passed March 11, 1853, and took effect June 1, 1853.
Was read the third time.
Mr. Schenck moved that the bill be referred to a select committee of one with instructions to amend as follows:
Inserting in section 1, line 11, after the first word "State" "or where the appraisal is waived by contract, agreement or article."
Mr. Burns moved that the bill, with pending amendments, be laid upon the table.
Which was disagreed to.
On motion of Mr. Brown of Ross the Senate took a recess.

THREE O'CLOCK P. M.

On motion of Mr. Andrews, said bill (S. B. No. 318), with pending amendments, was laid on the table.
The following bill was introduced, on leave, read the first time, and ordered to be printed in advance of other matter:
S. B. No. 398—Mr. Andrews—Supplementary to "An act to provide for the revision and consolidation of the statute laws of Ohio," passed March 27, 1875.
Mr. Brown of Ross submitted the following report:
The joint committee on Enrollment, have examined, and found correctly enrolled, the following bills:
S. B. No. 287—For the better management of Orphan Asylums.
S. B. No. 304—Supplementary to an act to provide for the sale of three several tracts of Moravian lands in the county of Tuscarawas.

H. J. R. No. 97—Relating to the Constitutional Amendment.

J. W. Washburn, E. L. Lybarger,
Thos. S. Luccock, T. P. Brown,
C. J. Swan, H. V. Kerr.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following joint resolution:

H. J. R. No. 97—Mr. Nigh—Relative to an amendment of Articles Four and Eleven of the Constitution reorganizing the Judiciary of the State of Ohio.

Attest: Wm. Leonard, *Clerk.*

The President, in presence of the Senate, signed said joint resolution.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker, *pro tem.*, of the House of Representatives, has, in presence of the House, signed the following bills:

S. B. No. 287—Mr. Kleinschmidt—For the better management of Orphan Asylums.

S. B. No. 304—Mr. Lewis—Supplementary to "An act to provide for the sale of three several tracts of Moravian lands in the county of Tuscarawas," passed March 20, 1840, (Local Laws, volume 38, page 164).

Attest: Wm. Leonard, *Clerk.*

The President, in the presence of the Senate, signed said bills.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 334—Mr. McLain—Supplementary to the act entitled "An act regulating descents, and the distribution of personal estates," passed March 14, 1853, (S. & C. 501), and to the various acts amendatory thereof.

H. B. No. 615—Mr. Meuser—To provide for the payment of a town hall, in Polk township, Crawford county, Ohio.

Attest: Wm. Leonard, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 364—Mr. Burress—For the relief of James F. Coffield and his sureties, Treasurer of Patterson township, Darke county, Ohio.

With the following amendments in which the concurrence of the Senate is requested.

Strike out of line 17 the word "April" and insert "October."

Also, in line 22 strike out "eight" and insert "twenty."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken, and resulted—yeas 23, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Hudson, Johnston, Kleinschmidt, Knox, Miller, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Warnock and Williams—23.

So the Senate concurred in said amendments.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 750—Mr. Seifert—To authorize the Board of Public Works to construct a culvert under the Hocking Valley Canal, near Lancaster, Fairfield county.

Attest: WM. LEONARD, *Clerk.*

The bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in the passage of—

H. B. No. 317—Mr. Knox—Supplementary to "an act to provide for the revision and consolidation of the statute laws of Ohio," passed March 27, 1875.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 853—Mr. Howland—Relating to certain proposed amendments to the constitution and the publication thereof.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 378—Mr. Burress—Supplementary to an act entitled "An act to provide for the appointment of Trustees, and dispositions of moneys, property and assets, held in trust for building soldiers' monuments," and also, supplementary to an act entitled "An act supplementary to an act to provide for the apportionment of trustees, and disposition of money, property and assets held in trust for building soldiers' monuments," (68 O. L. 122, and 72 O. L. 60).

S. B. No. 376—Mr. Burns—To authorize the City Council of the city of Mansfield to levy a tax in addition to that now authorized by law for the payment of a certain bonded debt.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested—

H. B. No. 798—Mr. Neal—To authorize the council of Municipal Corporations to require new bonds to be given by municipal officers in certain cases.

H. B. No. 846—Mr. Haley—To authorize the incorporated village of Ada, Hardin county, Ohio, to issue bonds and sell the same to pay judgment of Martha Claflin, and costs, interest and other expenses in and about her suit for damages against said village, and to provide for the payment of such bonds and the interest thereon.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

On motion of Mr. Brown of Lucas, S. B. No. 318—To amend section 434 of an act entitled "An act to establish a code of civil procedure," (S. & C., page 1073), passed March 11, 1853, and took effect June 1, 1853.

Was taken from the table.

The motion to refer said bill to a select committee of one with instructions to amend, was disagreed to.

Mr. Monahan moved that the bill be laid upon the table.

Which was disagreed to.

On demand of Mr. Brown of Lucas, a call of the Senate was had.

Twenty-nine Senators answered to their names.

Senators absent were—

Messrs. Burress, Ellis, Kerr, Kessler, Philson, Reese and Stokes—7.

Mr. Brown of Lucas, moved that the Sergeant-at-Arms be dispatched for absentees.

Which was disagreed to.

All further proceedings under the call were dispensed with.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 11, nays 18, as follows:

Those who voted in the affirmative were—

Messrs. Brown of Lucas, Burns, Burrows, Curtiss, Haines, Hudson, Kessler, Monahan, Ransom, Schenck and Swan—11.

Those who voted in the negative were—

Messrs. Andrews, Ault, Bates, Brown of Ross, Johnston, Kent, Kleinschmidt, Knox, Miller, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Warnock and Williams—18.

So the bill was lost.

Mr. Brown of Lucas, moved that said vote be reconsidered.

Which was disagreed to.

H. B. No. 752—Authorizing the Board of Education of Genoa Special School District, in Ottawa county, to levy a tax to pay a judgment.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kleinschmidt, Miller, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Warnock and Williams—24.

So the bill passed. The title was agreed to.

H. B. No. 736—To fix the time for holding an additional term of the District Court in Vinton county.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Curtiss, Haines, Johnston, Kent, Kleinschmidt, Knox, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Swan, Warnock and Williams—24.

So the bill passed. The title was agreed to.

H. B. No. 496—To provide for the equalization of the valuation of bank shares for taxation, and to repeal an act therein named.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Curtiss, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Miller, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Swan, Warnock and Williams—26.

The bill passed. The title was agreed to.

H. B. No. 565—To authorize the Auditor of Butler county, Ohio, to pay a claim named therein.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Curtiss, Haines, Hudson, Kent, Kleinschmidt, Knox, Owens, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Swan, Warnock and Williams—21.

So the bill passed. The title was agreed to.

H. B. No. 726—To authorize the County Commissioners of Darke county to levy a tax to pay off an existing indebtedness of the Darke county agricultural society.

Was read the third time.

On motion of Mr. Burns, the bill was laid on the table.

On motion of Mr. Schenck, H. B. No. 703—To give certain power to establish turnpike or plank roads in Brooklyn village, Cuyahoga county, was taken from the calendar and laid on the table.

H. J. R. No. 106—Authorizing the Adjutant-General to loan battle flags, artillery, muskets and infantry accoutrements to the executive committee of the fourth annual reunion of ex-soldiers and sailors, to be held at Marietta, in September, 1877, was taken up for further consideration.

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Swan, Warnock and Williams—27.

So the resolution was adopted.

Mr. Stanton, on leave, submitted the following report:

The standing committee on Finance, to whom was referred S. B. No. 389—Supplementary to an act entitled "An act authorizing the County Commissioners of Ross county to build a jail and to issue bonds therefor," passed March 17, 1877—having had the same under consideration, report it back and recommend its passage.

SAMUEL KNOX, H. W. CURTISS,
JNO. H. HUDSON, A. R. HAINES,
J. H. BATES, R. STANTON.

The bill was ordered to be engrossed at the Clerk's desk and read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Miller, Owens, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Swan, Warnock and Williams—26.

So the bill passed. The title was agreed to.

The following bills were introduced, on leave, and read the first time:

S. B. No. 399—Mr. Kessler—To authorize the incorporated village of Clifton, Hamilton county, to issue bonds and levy a tax for the purpose of laying water pipes.

S. B. No. 400—Mr. Ault—To create two election precincts in Salt Creek township, in Wayne county.

S. B. No. 401—Mr. Kleinschmidt—Supplementary to an act to amend section 313 of the code of civil procedure, as amended April 13, 1874, passed March 23, 1875, (O. L., vol. 72, page 77).

Mr. Andrews submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 441—To enable the trustees of the church of the United Brethren in Christ, in Green township, Hocking county, State of Ohio, to sell and convey certain real estate—having had the same under consideration, report it back and recommend its passage.

GEO. W. ANDREWS, JAMES W. OWENS,
C. J. SWAN, N. P. BURRESS.

The bill was ordered to be read the third time to-morrow.

Mr. Andrews submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 625—To authorize the trustees of Canaan township, Morrow county, Ohio, to borrow money to enlarge and improve cemetery grounds—having had the same under consideration, report it back, and recommend its passage.

GEO. W. ANDREWS, C. J. SWAN,
JAMES W. OWENS, N. P. BURRESS.

The bill was ordered to be read the third time to-morrow.

Mr. Andrews submitted the following report:

The standing committee on Judiciary, to whom was referred Senate Bill No. 370—Supplementary to the several acts prescribing the powers and duties of Notaries Public—having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

Strike out all after the enacting clause and, insert: That section 8 of an act entitled "An act concerning Notaries Public and Commissioners, and prescribing their duties," passed and took effect March 13, 1856, (S. & C., page 872,) be amended so as to read as follows:

"SEC. 8—Each Notary Public, duly appointed, commissioned and qualified, shall have power, within this State, to administer all oaths required or authorized by law to be administeted in this State, to take and certify depositions to be used in any of the courts of this State, to take and certify to all acknowledgements of deeds, mortgages, levies, powers of attorney, and other instruments of writing, and to receive, make, and record notarial protests."

GEO. W. ANDREWS, C. J. SWAN,
JAMES W. OWENS, N. P. BURRESS.

The amendment was agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Knox submitted the following report:

The committee of conference, to whom was referred the subject matter of difference between the two houses upon the House amendments to Senate Bill No. 247, having had the same under consideration recommend that the House recede from its first amendment, and that the Senate concur in the second and third.

M. L. DEMPCY,
R. G. RICHARDS,
House Committee.

W. R. WARNOCK,
SAMUEL KNOX,
T. P. BROWN,
Senate Committee.

The question being on concurring in said report, the yeas and nays were taken, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews. Ault, Brown of Ross, Burns. Curtiss, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Owens, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Swan, Warnock and Williams—22.

So the Senate concurred in said report.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has agreed to the report of the committee of conference on matters of difference between the two houses on—

S. B. No. 247—Mr. Bates—Supplementary to the act relating to cities of the first-class, having a population exceeding one hundred and fifty thousand inhabitants, passed May 4, 1869.

Attest· WM. LEONARD, *Clerk.*

Mr. Swan submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 566—Supplementary to an act entitled "An act to provide for the straightening, clearing out, widening, deepening and otherwise improving certain ditches, drains and water courses in Wood county, Ohio," passed April 11, 1876—having had the same under consideration, report it back and recommend it passage.

J. H. BATES, C. J. SWAN,
W. R. WARNOCK, GEO. W. ANDREWS,
N. P. BURRESS, JAMES W. OWENS.

The bill was ordered to be read the third time to-morrow.

Mr. Swan submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 676--Supplementary to the act passed March 29, 1867, (64 vol., 80, S. & S., 671,) entitled "An act to authorize the County Commissioners to construct roads, on the petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named," and the acts amendatory and supplemental thereto—having had the same under consideration, report it back and recommend its passage.

J. H. BATES C. J. SWAN,
W. R. WARNOCK, GEO. W. ANDREWS,
N. P. BURRESS, JAMES W. OWENS,

The bill was ordered to be read the third time to-morrow.

Mr. Swan submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 725—To provide for the straightening, clearing out, widening, deepening, and otherwise improving Stillwater ditch and creek, also, its tributaries in Darke county, Ohio—having had the same under consideration, report it back and recommend its passage.

J. H. BATES, GEO. W. ANDREWS,
C. J. SWAN, W. R. WARNOCK,
N. P. BURRESS, JAMES W. OWENS.

The bill was ordered to be read the third time to-morrow.

Mr. Owens submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 241—To amend section one of an act entitled "An act to punish certain offenses therein named," passed February 24, 1876--having had the same under consideration, report it back without recommendation.

J. H. BATES, JAMES W. OWENS,
N. P. BURRESS, A. M. BURNS,
W. R. WARNOCK, GEO. W. ANDREWS.

The bill was ordered to be engrossed and read the third time on Wednesday.

Mr. Owens submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 337—To amend section fifty-one of an act entitled "An act to provide for the settlement of the estates of deceased persons," passed March 23, 1840, and took effect November 1, 1840, (S. & C., 575)—having had the same under consideration, report it back and recommend its passage.

J. H. Bates, James W. Owens,
N. P. Burress, A. M. Burns,
W. R. Warnock, Geo. W. Andrews.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Owens submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 297—To amend section two hundred of an act to establish a code of civil procedure, (S. & S., p. 550,)—having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

In section 1, line 35, after the word "Coroner," insert the word "clerk."

Add as section two: "Said section 200, as amended, shall apply to all cases now pending, wherein non-residents garnishees have been served in this State."

Change section 2 to section 3.

J. H. Bates, James W. Owens,
W. R. Warnock, C. J. Swan,
A. M. Burns, N. P. Burress,
Geo. W. Andrews.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time Wednesday.

Mr. Owens submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 157—To protect owners of real estate in remainder against waste committed thereon by tenants, by the curtesy—having had the same under consideration, report it back and recommend its passage.

J. H. Bates, James W. Owens,
N. P. Burress, A. M. Burns,
W. R. Warnock, Geo. W. Andrews.

The bill was ordered to be engrossed and read the third time Wednesday.

Mr. Haines submitted the following report:

The standing committee on finance, to whom was referred H. B. No. 785—To authorize the Commissioners of Stark county to increase the levy for county fund—having had the same under consideration, report it back and recommend its passage.

Samuel Knox, H. W. Curtiss,
Jno. H. Hudson, A. R. Haines.

The bill was ordered to be read the third time to-morrow.

Mr. Hudson submitted the following report:

The standing committee on Finance, to whom was referred—

H. B. No. 757—For the relief of William Vandoren, treasurer of Washington township, Warren county, Ohio, having had the same under consideration, report it back with following amendments and recommend its passage when so amended:

First—Add to section 1 the following:

"Provided that at some regular election held in said township, as the trustees of said township may determine, they shall submit the question to the qualified voters of said township, as to the release of said treasurer from said payment ment and liability, after having given thirty days' notice of said submission by posting up written or printed notices in ten of the most public places in said township, and that a majority of said voters shall vote for the release of said treasurer. Provided further, that the said treasurer shall assign to the said trustees all accounts and evidences of indebtedness owned or held by him against the said Boake and Hunt, or eitner of them."

Second—Strike out sections 2 and 3, and renumber section 4 as section two.

Third—In line 5, section 1, strike out the word "now."

SAMUEL KNOX, J. H. HUDSON,
A. R. HAINES, H. W. CURTISS,
ELIAS ELLIS.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Knox submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 818—To authorize the Trustees of Wayne township, Clermont county, to transfer certain funds, having had the same under consideration, report it back, and recommend its passage.

SAMUEL KNOX, H. W. CURTISS,
J. H. HUDSON, A, B. HAINES,
ELIAS ELLIS.

The bill was ordered to be read the third time to-morrow.

Mr. Knox submitted the following report:

The standing committee on Finance to whom was referred H. B. No. 692—For the relief of Jonah F. Robinson, treasurer of Morgan township, Gallia county, and sureties, having had the same under consideration, report it back and recommend its passage.

SAMUEL KNOX, H. W. CURTISS,
ELIAS ELLIS, J. H. HUDSON,
A. R. HAINES.

The bill was ordered to be read the third time to-morrow.

Mr. Knox submitted the following report:

The standing committee on Finance to whom was referred S. J. R. No. 43—Relative to the restoration of the silver dollar to its former rank as lawful money, having had the same under consideration, report it back, without recommendation.

SAMUEL KNOX, R. STANTON,
ELIAS ELLIS, A. R. HAINES,
H. W. CURTISS, J. H. BATES,
J. H. HUDSON.

The further consideration of said resolution was postponed until Wednesday.

Mr. Brown of Ross, submitted the following report:

The standing committee on Roads and Highways to whom was referred H. B. No. 771—To authorize the Commissioners of Columbiana county, Ohio, to repair West Point and Hanover road, having had the same under consideration, report it back, and recommend its passage.

A. L. Brown, A. Spangler,
J. R. Johnston, A. R. Haines,
J. B. Williams, M. Kent.

The bill was ordered to be read the third time to-morrow.

Mr. Johnston submitted the following report:

The standing committee on Roads and Highways to whom was referred H. B. No. 731—To amend section 2 of an act entitled an act to authorize County Commissioners to locate and construct turnpike roads, passed April 30, 1869, having had the same under consideration, report it back, without recommendation.

J. R. Johnston, A. L. Brown,
A. Spangler, J. B. Williams.

The bill was ordered to be read the third time to-morrow.

Mr. Burrows submitted the following report:

The standing committee on Common Schools to whom was referred H. B. No. 715—To authorize the creation of a special school district in Jefferson township, Guernsey county, Ohio, having had the same under consideration, report it back, and recommend its passage.

E. T. Stickney, Samuel Knox,
S. S. Burrows, Jas. W. Owens.

The bill was ordered to be read the third time to-morrow.

Mr. Owens submitted the following report:

The standing committee on Common Schools to whom was referred S. B. No. 242—To authorize the creation of a special school district in Clay township, Gallia county, Ohio, having had the same under consideration, report it back without recommendation.

Jas. W. Owens, E. P. Ransom,
Samuel Knox, E. T. Stickney,
W. R. Warnock, S. S. Burrows.

The bill was ordered to be engrossed and read the third time Tuesday.

Mr. Stickney submitted the following report:

The standing committee on Common Schools to whom was referred—

Substitute for H. B. No. 735—To locate a special school district in the the township of Greenwich, Huron county, Ohio, having had the same under consideration, report it back, and recommend its passage.

E. T. Stickney, E. P. Ransom,
S. S. Burrows, W. R. Warnock.

The bill was ordered to be read the third time Tuesday.

Mr. Ransom submitted the following report:

The standing committee on Common Schools to whom was referred—

H. B. No. 682—To authorize the building of a Public Hall in Milford precinct of Miami township, Clermont county, Ohio, having had the

same under consideration, report it back and recommend that it be laid on the table.

E. P. Ransom, Samuel Knox,
E. T. Stickney, S. S. Burrows,
W. R. Warnock, Jas. W. Owens,
Wm. Sheridan, Jr.

The bill was laid on the table.

Mr. Ransom submitted the following report:

The standing committee on Common Schools to whom was referred—H. B. No. 560—To create a special school district in Sycamore township, Hamilton county, Ohio, having had the same under consideration, report it back and recommend its passage.

E. P. Ransom, Samuel Knox,
E. T. Stickney, S. S. Burrows,
W. R. Warnock, Jas. W. Owens,
Wm. Sheridan, Jr.

The bill was ordered to be read the third time Tuesday.

Mr. Stanton submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 687—Authorizing the Trustees of Orange township, Ashland county, Ohio, to transfer certain funds therein named to the general fund of said township—having had the same under consideration, report it back, and recommend its passage.

Samuel Knox, R. Stanton,
Jno. H. Hudson, A. R. Haines,

The bill was ordered to be read the third time to-morrow.

Mr. Stanton submitted the following report:

The standing committee on Railroads and Telegraphs, to whom was referred S. B. No. 330—To amend section 1 of an act to prevent collisions on railroads within the State of Ohio, passed and took effect March 24, 1860 (57 Vol. Stat., 106, S. & C., 372)—having had the same under consideration, report it back and recommend its indefinite postponement.

R. Stanton, J. H. Bates,
M. Kent, T. P. Brown,
John Ault, E. T. Stickney.

The report was laid on the table.

Mr. Kessler submitted the following report:

The standing committee on Agriculture, to whom was referred H. B. No. 698—Authorizing County Commissioners to offer a reward for the detection of horse thieves, having had the same under considdration, report it back and recommend its indefinite postponement.

H. Kessler, E. T. Stickney,
A. M. Burns, A. L. Brown,
Elias Ellis.

The bill was indefinitely postponed.

Mr. Brown of Ross submitted the following report:

The standing committee on Agriculture, to whom was referred S. B. No. 390—For the further protection of cemeteries in the State of Ohio—having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

In section 1, line 3, insert after the word "cemetery," the following: "located in any county having within its limits a city of the first class with a population of two hundred thousand or over."

In lines 5, 7 and 8, between the words "any" and "cemetery," insert the word "such."

In line 8, after the word "abuts," insert the following: "situate in any such county as aforesaid."

A. L. Brown, E. T. Stickney,
A. Spangler, A. M. Burns,
H. Kessler, A. R. Haines.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Andrews submitted the following report:

The standing committee on Corporations other than Municipal to whom was referred S. B. No. 356—To amend an act entitled "An act to amend an act entitled an act amendatory to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, passed April 18, 1856, passed April 14, 1870, passed March 15, 1875 (p. 55, O. L., 1875)—having had the same under consideration, report it back, with following amendments, and recommend its passage when so amended.

After the word "slate" in line 15, section 1, insert "roofing or flooring tile."

Geo. W. Andrews, J. R. Johnston,
Wm. W. Beatty, R. E. Reese.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Beatty submitted the following report:

The standing committee on Corporations other than Municipal, to whom was referred S. B. No. 357—To amend section 2 of an act entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852 (S. & C., Vol. 1: p. 271), as amended February 14, 1872 (Vol. 69, p. 14)—having had the same under consideration, report it back and recommend its passage.

W. R. Warnock, J. R. Johnston,
Wm. W. Beatty, R. E. Reese.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Johnston submitted the following report:

The standing committee on Corporations other than Municipal to whom was referred S. B. No. 381—To authorize the Trustees of the Slankerville church union, in the township of Chippewa, in the county of Wayne, to sell the real estate belonging to said church union—having had the same under consideration, report it back and recommend its passage.

J. R. Johnston, Wm. W. Beatty,
R. E. Reese, W. R. Warnock.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Philson submitted the following report:

The standing committee on Reform Schools, to whom was referred S. B. No. 395—To amend section 1 of an act entitled "An act to establish a reform and industrial school for girls"—having had the same under consideration, report it back and recommend its passage.

J. R. PHILSON, J. K. RUKENBROD,
S. S. BURROWS, C. J. SWAN.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Philson submitted the following report:

The standing committee on Library, to whom was referred H. J. R. No. 104—Providing for the safe keeping of the "Centennial Album"—having had the same under consideration, report it back and recommend its adoption.

J. R. PHILSON, JAS. W. OWENS.
JNO. H. HUDSON, H. W. CURTISS,

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Ross, Burns, Burrows, Haines, Hudson, Kent, Kleinschmidt, Knox, Lewis, Owens, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Swan and Williams —22.

So the resolution was adopted.

Mr. Raniom submitted the following report,

The standing committee on Common Schools, to whom was referred S. B. No. 367—To authorize the Board of Education of the special school district of the incorporated village of Ottawa, Putnam county, Ohio, to levy an additional tax for school purposes, having had the same under consideration, report it back, with the following amendment, and recommend its passage when so amended:

In line 5, section 1, strike out the word "four" and insert in lieu thereof the word "three."

EDWARD P. RANSOM, W. R. WARNOCK,
SAMUEL KNOX, JAS. W. OWENS,
E. T. STICKNEY, W. SHERIDAN, JR.
S. S. BURROWS,

The amendment was agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

On motion of Mr. Andrews, H. B. No. 588—To provide for the incorporation of farm laborers' association, was taken from the table.

The further consideration of said bill was postponed until Wednesday.

Mr. Lewis offered the following resolution:

S. J. R. No. 61—*Resolved*, That the Governor of Ohio is hereby authorized to employ a page for the convenience of his office at a cost not to exceed one dollar per day.

Which was referred to the committee on Finance.

On motion of Mr. Brown of Ross, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

SATURDAY, APRIL 7, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

Mr. Andrews presented the petition of B. Anslerman, Jos. Wagner and 47 other citizen tax-payers of Miami township, Mercer county, asking for a special school district in Scio township.

Which was referred to the committee on Common Schools.

On motion of Mr. Andrews, S. B. No. 396– Relating to certain proposed amendments to constitution and the publication of this act was laid on the table.

Bills were read the second time and referred as follows:

S. B. No. 397—To authorize the creation of a special school district in East Cleveland township, Cuyahoga county, Ohio.

To the committee on Common Schools.

H. B. No. 750—To authorize the board of public works to construct a culvert under the Hocking Valley canal, near Lancaster, Fairfield county.

To the committee on Public Works.

H. B. No. 853—Relating to certain proposed amendments to the constitution and the publication thereof.

To the committee on Judiciary.

H. B. No. 798—To authorize the council of municipal corporations to require new bonds to be given by municipal officers in certain cases.

To the committee on Municipal Corporations.

H. B. No. 846—To authorize the incorporated village of Ada, Hardin county, Ohio, to issue bonds and sell the same, to pay judgment of Martha Claflin, and costs, interest, and other expenses in and about her suit for damages against said village, and to provide for the payment of such bonds and the interest thereon.

To the committee on Corporations other than Municipal.

Mr. Beatty submitted the following report:

The standing committee on revision has examined and found correctly engrossed, S. Bs. Nos. 381, 241, 337, 157, 242, 357, 395, 390, 356, 367, 297, 370; H. B. No. 757.

WM. W. BEATTY,
JAS. W. OWENS,
H. V. KERR.

H. B. No. 625—To authorize the trustees of Canaan township, Morrow county, Ohio, to borrow money to enlarge and improve cemetery grounds.

Was read the third time.

Mr. Stanton moved that the bill be laid on the table.

Which was agreed to.

S. B. No. 370—Supplementary to the several acts prescribing the powers and duties of notaries public.

Was read the third time.

Oh motion of Mr. Hudson, the bill was laid on the table.

On motion of Mr. Stanton, H. B. No. 625—To authorize the trustees of Canaan township, Morrow county, Ohio, to borrow money to enlarge and improve cemetery grounds—was taken from the table.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 19, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Ross, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Owens, Rukenbrod, Sheridan, Spangler, Stanton and Swan—19.

The bill passed. The title was agreed to.

H. B. No. 566—Supplementary to an act entitled "An act to provide for the straightening, clearing out, widening, deepening and otherwise improving certain ditches, drains and water courses, in Wood county, Ohio," passed April 11, 1876.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 20, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Ross, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Swan and Williams—20.

So the bill passed. The title was agreed to.

H. B. No. 676—Supplementary to the act passed March 29, 1867, (64 vol. 80, S. & S., 671), entitled "An act to authorize the County Commissioners to construct roads on the petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named," and the acts amendatory and supplementary thereto.

Was read the third time.

On motion of Mr. Brown of Ross, the bill was laid on the table.

S. B. No. 395—To amend section one of an act entitled "An act to establish a reform and industrial school for girls," passed May 5, 1869, (O. L., vol. 66, p. 110).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 19, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Ross, Burrows, Curtiss, Hudson, Johnston, Kleinschmidt, Knox, Lewis, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Swan and Williams—19.

The bill passed. The title was agreed to.

H. B. No. 725—To provide for the straightening, clearing out, widening, deepening and otherwise improving Stillwater ditch and creek, also its tributaries in Darke county, Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Hudson, Johnston, Kent, Kleinschmidt, Knox, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Swan and Williams—21.

So the bill passed. The title was agreed to.

S. B. No. 241—To amend section one of an act entitled "An act to punish certain offenses therein named," passed February 24, 1876.

Was read the third time.

On motion of Mr. Knox, the bill was laid on the table.

S. B. No. 337—To amend section 51 of an act entitled "An act to provide for the settlement of the estates of deceased persons," passed March 23, 1840, and took effect November 1, 1840, (S. & C., 575).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 20, nays none, as follows:

Those who voted in the affirmative were--

Messrs. Andrews, Ault, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Swan and Williams—20.

So the bill passed. The title was agreed to.

H. B. No. 785—To authorize the Commissioners of Stark county to increase the levy for county fund.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Swan and Williams—22.

So the bill passed. The title was agreed to.

H. B. No. 757—For the relief of William Vandoren, Treasurer of Washington township, Warren county, Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 19, nays 2, as follows:

Those who voted in the affirmative were--

Messrs. Andrews, Ault, Beatty, Brown of Ross, Curtiss, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Swan and Williams—19.

Those who voted in the negative were—

Messrs. Burns and Owens—2.

So the bill passed. The title was agreed to.

H. B. No. 818—To authorize the trustees of Wayne township, Clermont county, Ohio, to transfer certain funds.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Ross, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Swan and Williams —21.

So the bill passed. The title was agreed to.

H. B. No. 692—To refund to Jonah F. Robinson, treasurer of Morgan township, Gallia County, certain money stolen from him.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 19, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Ross, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Swan and Williams—19.

Those who voted in the negative were—

Messrs. Burns and Owens—2.

So the bill passed. The title was agreed to.

H. B. No. 771—To authorize the commissioners of Columbiana county, Ohio, to repair West Point and Hanover road.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Swan and Williams—21.

So the bill passed. The title was agreed to.

H. B. No. 731—To amend section second of an act entitled "An act to authorize County Commissioners to locate and construct turnpike roads," passed April, 30, 1869.

Was read the third time.

On motion of Mr. Beatty, the bill was laid on the table.

H. B. No. 715—To authorize the creation of a special school district in Jefferson township, Guernsey county, Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Swan and Williams —21.

So the bill passed. The title was agreed to.

H. B. No. 687—Authorizing the trustees of Orange township, Ashland county, Ohio, to transfer certain funds therein named to the general fund of said township.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Swan and Williams —21.

So the bill passed. The title was agreed to.

On motion of Mr. Kleinschmidt, S. B. No. 390—For the further protection of cemeteries in the State of Ohio—was laid on the table.

S. B. No. 356—To amend an act entitled "An act to amend an act entitled 'an act amendatory to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio,'" passed May 1, 1852, passed April 18, 1856, passed April 14, 1870, passed March 15, 1875, (page 55, Laws of Ohio, 1875).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Stickney and Swan,—21—

So the bill passed. The title was agreed to.

S. B. No. 357—To amend section two of an act entitled "An act to

provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, (Swan & Critchfield, volume 1, page 271), as amended February 14, 1872, (volume 69, page 14).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Swan and Williams—21.

So the bill passed. The title was agreed to.

S. B. No. 381—To authorize the trustees of the Slankerville church union, in the township of Chippewa, in the county of Wayne, to sell the real estate belonging to said church union.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Swan and Williams —21

So the bill passed. The title was agreed to.

S. B. No. 367—To authorize the board of education of the special school district of the incorporated village of Ottawa, Putnam county, Ohio, to levy an additional tax for school purposes.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Swan and Williams —21.

So the bill passed. The title was agreed to.

The President presented the following communication, which was read at the Clerk's desk.

SENATE CHAMBER.

COLUMBUS, OHIO, April 7, 1877.

To the Senate of Ohio:

MR. PRESIDENT—I have the honor to report that, in obedience to Senate Resolution No. 101, I did, on the 5th day of April, 1877, officially serve upon the person of Judson Harmon, the notice required by said resolution, by leaving with Judson Harmon a certified copy of Senate Resolution No. 101, and a transcript of so much of the Senate Journal of March 29th, as pertains to the final vote on contest of Cox *vs.* Harmon, duly signed by H. W. Curtiss, President of the Senate, and attested by J. C. Donaldson, Clerk. Respectfully submitted,

EDWARD L. JONES, Sergeant-at-Arms of the Senate.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in the passage of—

S. B. No. 288—Mr. Swan—To amend section seven of an act entitled "An act establishing boards of County Commissioners and prescribing their duties," passed March 12, 1853, as amended March 30, 1868, (S. & S., p. 89).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives requests the return of—

S. B. No. 288—Mr. Swan—To amend section seven of an act entitled "An act establishing Boards of County Commissioners and prescribing their duties," passed March 12, 1853, as amended March 30, 1868, (S. & S., p. 89).

Attest: WM. LEONARD, *Clerk.*

The request of the House of Representatives was acceded to, and said bill returned.

Mr. Knox submitted the following report:

The standing committee on Common Schools, to whom was referred S. B. No. 372—To create a special school district in Marion township, Morgan county, Ohio—having had the same under consideration, report it back and recommend its passage.

SAMUEL KNOX, WM. SHERIDAN, JR.,
E. T. STICKNEY, JAMES W. OWENS,
S. S. BURROWS.

The bill was ordered to be engrossed at the Clerk's desk and read the third time.

The bill was read the third time.

The further consideration of said bill was postponed until Tuesday.

The following bill was introduced on leave, and read the first time:

S. B. No. 402—Mr. Burrows—To amend sections 1, 2 and 3, and to add sections 4, 5, 6 and 7 to an act to protect the citizens of Ohio from empiricism, and elevate the standing of the medical profession, passed May 5, and took effect October 1, 1868, (62 vol. stat., p. 146).

S. B. No. 398—Supplementary to an act to provide for the revision and consolidation of the statute laws of Ohio, passed March 27, 1875—was read the second time and referred to the committee on Judiciary.

On motion of Mr. Swan, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

MONDAY, APRIL 9 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. I. F. King.

The Journal was read and approved.

Bills were read the second time and referred as follows:

S. B. No. 402—To amend sections one, two and three, and add sections four, five, six and seven to "An act to protect the citizens of Ohio from empiricism and elevate the standing of the medical profession," passed May 5, and took effect October 1, 1868, (62 volume, 146).

To the Committee on Medical Colleges.

S. B. No. 399—To authorize the village of Clifton, Hamilton county, to issue bonds and levy a tax for the purpose of buying water pipes.

To the committee on Finance.

S. B. No. 400—To create two election precincts in Salt Creek township, Wayne county.

To the committee on Judiciary.

S. B. No. 401—Supplementary to an act to amend section three hundred and thirteen of the code of civil procedure, as amended April 13, 1874, passed March 23, 1875, (Ohio Laws, volume 72, page 77).

To the committee on Judiciary.

The following bills were introduced, on leave, and read the first time:

S. B. No. 403—Mr. Owens—To authorize the city council of Newark, and the county commissioners, to unite in building a sewer in said city, and to provide the necessary funds therefor.

Mr. Ault presented the petition of Wilson Roberts and 154 other citizens of Wayne county, Salt Creek township, asking for the passage of S. B. No. 400.

Which was referred to the committee on Judiciary.

On motion of Mr. Stanton, the Senate took a recess.

THREE O'CLOCK P. M.

Mr. Rukenbrod moved that the vote whereby—

H. B. No. 698—Authorizing county commissioners to offer a reward for the detection of horse thieves, was indefinitely postponed, be reconsidered.

Which was agreed to.

The bill was ordered to be read the third time Thursday.

Mr. Stanton submitted the following report:

The standing committee on Railroads and Telegraphs, to whom was referred S. B. No. 382—To authorize narrow gauge railroad companies to issue bonds—having had the same under consideration, report it back, and recommend its passage.

R. Stanton, N. P. Burress,
John Ault, M. Kent,
J. H. Bates.

The bill was ordered to be engrossed at the Clerk's desk, and read the third time.

Thd bill was read the third time.

On motion of Mr. Bates the bill was laid on the table.

Mr. Bates submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 375—Supplementary to the act to require mortgages or bills of sale of personal property to be deposited with township clerks—having had the same under consideration, report it back, with the following amendment and recommend its passage when so amended.

In sixth line strike out the words "twenty-five" and insert "forty."

J. H. Bates, N. P. Burress,
Geo. W. Andrews, C. J. Swan,
A. M. Burns, Jas. W. Owens.

The amendment was agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Bates submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 365—To provide for the election of defending attorneys and prescribing their duties—having had the same under consideration, report it back, and recommend that it be indefinitely postponed.

J. H. Bates, C. J. Swan,
Geo. W. Andrews, W. R. Warnock,
Jas. W. Owens.

The bill was laid on the table.

Mr. Bates submitted the following report:

The standing committee on Railroads and Telegraphs, to whom was referred H. B. 403—For the prevention of trespassing upon railway trains and consequent injuries to minors and other persons—having had the same under consideration, report it back, and recommend its passage.

J. H. Bates, R. Stanton,
M. Kent, N. P. Burress.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 18, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Burress, Curtiss, Haines, Kent, Kerr, Kleinschmidt, Knox, Miller, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Swan and Warnock—18.

Those who voted in the negative were—

Messrs. Beatty, Burrows, Ellis, Hudson, Johnston and Owens—6.

So the bill was lost.

On motion of Mr. Curtiss the vote whereby said bill was lost, was reconsidered.

The bill was laid on the table.

Mr. Bates submitted the following report:

The select committee of four to whom was referred H. B. No. 690—For the relief of Thomas Gilpin, report it back and recommend its passage.

J. H. Bates, E. F. Kleinschmidt,
H. Kessler, E. P. Ransom.

The bill was ordered to be read the third time Thursday.

Mr. Warnock submitted the following report:

The standing committee on Corporations other than Municipal, to whom was referred H. B. No. 846—To authorize the incorporated village of Ada, Hardin county, Ohio, to issue bonds and sell the same, to pay judgment of Martha Claflin, and costs, interest and other expenses in and about her suit for damages against said village, and to provide for the payment of such bonds and the interest thereon—having had the same under consideration, report it back, and recommend its passage.

W. R. Warnock, J. R. Johnston,
Geo. W. Andrews, Wm. W. Beatty.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 26, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Knox, Lewis, Miller, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Swan, Warnock and Williams—26.

So the bill passed. The title was agreed to.

Mr. Warnock submitted the following report:

The standing committee on Common Schools, to whom was referred H. B. No. 764—To repeal an act entitled "An act to incorporate school district No. 1 in York and Clinton townships, Fulton county, Ohio, (Oho Laws, volume 49, page 571)—having had the same under consideration, report it back, and recommend its passage.

W. R. Warnock, E. P. Ransom,
S. S. Burrows, Samuel Knox.

The bill was ordered to be read the third time.

Mr. Warnock submitted the following report:

The standing committee on Corporations other than Municipal, to whom was referred H. B. No. 828—To authorize the town council of the incorporated village of Dennison, Tuscarawas county, to levy a tax to build a mayor's office—having had the same under consideration, report it back, with following amendment, and recommend its passage when so amended.

At the close of section two add the following words:

"Provided that before authority is granted to said council to issue said bonds, or levy said tax, the question shall be submitted to the qualified electors of said village of Dennison, at a general or special election, and a majority of the electors voting therein, at said election, shall vote in favor therof."

W. R. Warnock, Wm. W. Beatty,
Geo. W. Andrews, R. E. Reese.

The amendment was disagreed to.

The bill was ordered to be read the third time Wednesday.

Mr. Warnock submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 716—To amend an act entitled an act supplementary to an act entitled an act regulating the mode of administering assignments in trust for the benefit of creditors, passed April 6, 1859, passed March 31, 1876, (O. L., Vol. 73, p. 101)—having had the same under consideration, report it back with following amendment, and recommend its passage when so amended:

In section one, line seven, after the word "successor," insert the words —"In accordance with the provisions regulating such appointments."

J. H. Bates, W. R. Warnock,
Geo. W. Andrews, N. P. Burress,
C. J. Swan, James W. Owens.

The amendment was agreed to and ordered to be engrossed.

The bill was ordered to be engrossed and read the third time Wednesday.

Mr. Warnock submitted the following report:

The standing committee on Common Schools, to whom was referred S. B. No. 325—To amend section eighty-nine of an act for the reorganization and maintenance of Common Schools—having had the same under consideration, report it back and recommend its indefinite postponement.

W. R. Warnock, E. P. Ransom,
S. S. Burrows, Samuel Knox,
E. T. Stickney, James W. Owens,
Wm. Sheridan, Jr.

The bill was indefinitely postponed.

By request of Mr. Stanton, leave of absence was granted to second-assistant Sergeant-at-Arms, Jacob Hildebrand, until Thursday at 12 M.

By request of Mr. Ellis, leave of absence was granted Mr. Monahan until Monday next at 10 A. M.

Mr. Philson submitted the following report:

The standing committee on Sanitary Laws and Regulations, to whom was referred H. B. No. 546—To provide for the better protection of society from small-pox—having had the same under consideration, report it back and recommend its passage.

J. R. Philson, S. S. Burrows,
W. H. Stokes, E. C. Lewis.

The bill was ordered to be read the third time to-morrow.

On motion of Mr. Bates, S. B. No. 390—For the further protection of cemeteries in the State of Ohio, was taken from the table.

Said bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 25, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Hudson, Kent, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Rukenbrod, Spangler, Stickney, Stokes, Swan, Warnock and Williams—25.

Mr. Johnston voted in the negative—1.

The bill passed. The title was agreed to.

Mr. Curtiss moved that the vote whereby S. B. No. 325 was indefinitely postponed, be reconsidered.

Which was agreed to.

The report of the committee on Common Schools on said bill was laid on the table.

On motion of Mr. Andrews, S. B. No. 370—Supplementary to the several acts prescribing the powers and duties of Notaries Public, was taken from the table.

On motion of Mr. Andrews, the bill was laid on the table.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills:

H. B. No. 737—Supplementary to an act entitled "An act to authorize the trustees of Findlay township, Hancock county, Ohio, to levy a tax

to macadamize and improve the roads and highways in said township," passed April 7, 1876, (Vol. 73, page 283).

H. B. No. 729—Defining the jurisdiction of the Probate Court of Ashland county, in criminal cases.

H. B. No. 745—To change the time of holding the next term of the Court of Common Pleas in Paulding county.

H. B. No. 688—To authorize the Commissioners of Lawrence county to fund the infirmary debt, and to levy a tax to liquidate the same.

H. B. No. 678—To create two election precincts in Plain township, Wood county.

H. B. No. 514—To authorize the votes of stockholders of certain incorporated companies to be cast by proxy, (see vol. 72, O. L., page 39).

H. B. No. 629—To extend the time for payment of school lands in section No. 16, in Waterville township, Lucas county, Ohio.

H. B. No. 548—To amend section eleven of an act entitled "An act authorizing and regulating arbitrations," passed February 17, 1831, (S. & C., page 80).

H. B. No. 650—For the relief of Henry Ahrendts, treasurer of Jefferson township, Noble county.

H. B. No. 651—To authorize the Town Council of the incorporated village of Marysville, Union county, to transfer certain funds from the cemetery fund to the street fund.

H. B. No. 770—To amend an act entitled "An act to amend an act entitled 'An act to enable the Common Council of any city or incorporated village in this State, having a population of twenty-five hundred inhabitants, or more, through which any of the canals of this State may run, or for the Board of County Commissioners of the county in which such city or incorporated village may be situate, to construct and maintain for public use, a swing bridge, or self-closing bridge, on any highway where the same crosses such canal within the territory of said city or incorporated village,' passed April 16, 1874, (O. L., vol. 71, p. 84)," passed March 29, 1875, (O. L,, vol. 72, p. 110).

H. B. No. 393—To amend section eleven of an act entitled "An act to amend sections 1, 2, 4, 5, 6 and 11 of an act entitled an act to authorize the County Commissioners to construct roads on petition of a majority of the resident land owners along and adjacent to the line of said road, and to repeal an act therein named," passed March 29, 1867; passed March 31, 1868, (S. & S., p. 673); passed April 17, 1873, (70 vol., O. L., 135).

E. L. Lybarger, Thos. S. Luccock,
J. W. Washburn, H. V. Kerr,
C. J. Swan.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 393—Mr. Hostetter—To amend section eleven of an act entitled "An act to amend sections 1, 2, 4, 5, 6 and 11 of an act entitled an act to authorize the County Commissioners to construct roads on petition of a majority of the resident land owners along and adjacent to the line of said road, and to repeal an act named therein," passed March 29, 1867;

passed March 31, 1868, (S. & S., p. 673); passed April 17, 1873, (70 vol., O. L., 135).

H. B. No. 745—Mr. Scheble—To change the time of holding the next term of the Court of Common Pleas in Paulding county.

H. B. No. 729—Mr. Myers—Defining the jurisdiction of the Probate Court of Ashland county in criminal cases.

H. B. No. 688—Mr. Nigh—To authorize the Commissioners of Lawrence county to fund the infirmary debt, and to levy a tax to liquidate the same.

H. B. No. 737—Mr. Sheets—Supplementary to an act entitled "An act to authorize the trustees of Findlay township, Hancock county, Ohio, to levy a tax to macadamize and improve the roads and highways in said township," passed April 7, 1876, (Vol. 73, page 283).

H. B. No. 629—Mr. Messer—To extend the time for payment of school lands in section No. 16, in Waterville township, Lucas county, Ohio.

H. B. No. 770—Mr. Scheble—To amend an act entitled "An act to amend an act entitled an act to enable the Common Council of any city or incorporated village in this State, having a population of twenty-five hundred inhabitants, or more, through which any of the canals in this State may run, or for the Board of County Commissioners of the county in which such city or incorporated village may be situate, to construct and maintain for public use, a swing bridge, or self-closing bridge, on any highway where the same crosses such canal within the territory of said city or incorporated village," passed April 16, 1874, (O. L., vol. 71, p. 84), passed March 29, 1875, (O. L., vol. 72, p. 110).

H. B. No. 678—Mr. Sage—To create two election precincts in Plain township, Wood county.

H. B. No. 514—Mr. Rambo--To authorize the votes of stockholders of certain incorporated companies to be cast by proxy, (see vol. 72, O. L., page 39).

H. B. No. 548—Mr. Dow—To amend section eleven of an act entitled "An act authorizing and regulating arbitrations," passed February 17, 1831, (S. & C., page 80).

H. B. No. 650—Mr. Dalzell—For the relief of Henry Ahrendts, treasurer of Jefferson township, Noble county.

H. B. No. 651—Mr. Garwood—To authorize the Town Council of the incorporated village of Marysville, Union county, to transfer certain funds from the cemetery fund to the street fund.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills.

Mr. Burress, on leave, submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 704—To create two seperate election precincts in Flushing township, Belmont county—having had the same under consideration, report it back, and recommend its passage.

J. H. BATES, GEO. W. ANDREWS,
A. M. BURNS, JAS. W. OWENS,
C. J. SWAN, N. P. BURRESS.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 27, nays none, as follows:

Those who voted in the affirmative were—
Messrs. Andrews, Ault, Bates, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kleinschmidt, Knox, Lewis, Owens, Philson, Reese, Rukenbrod, Sheridan, Spangler, Stokes, Swan, Warnock and Williams—27.
So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:
The House of Representatives has concurred in the passage of—
S. B. No. 368—Mr. Hudson—To authorize the Common Council of Oak Harbor to borrow money.
Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:
The following bills have been introduced in the House of Representatives and read the first time:
H. B. No. 834—Mr. Barclay—To protect the manufacturers and bottlers of mineral water, ale, etc.
H. B. No. 835—Mr. Perkins—For the relief of the official sureties of Cortez Stevens, deceased, late treasurer of the township of Brunswick, Medina county, Ohio.
H. B. No. 836—Mr. Hostetter—To amend section 21 of an act entitled "An act to regulate the fees of Probate Judges, Clerks of the Courts, Sheriffs, Witnesses, Juror's fees in partitions, and to repeal certain acts therein named," passed April 8, 1876 (O. L., Vol. 73, p. 134).
H. B. No. 837—Mr. Barrett—Authorizing the creation of an additional sub-school district in Beaver Creek township, Greene county.
H. B. No. 838—Mr. Breck—To authorize the Trustees of Brecksville township, Cuyahoga county, to levy a tax for certain purposes mentioned therein.
H. B. No. 839—Mr. Krimmel—To authorize the Board of Education of the incorporated village of Williamsport, Pickaway county, Ohio, and territory annexed for school purposes, to borrow money and levy a tax to pay certain indebtedness.
H. B. No. 840—Mr. Sellards—To amend section 663 of an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869 (Vol. 66, p. 165), as amended April 8, 1876 (Vol. 73, p. 126).
H. B. No. 841—Mr. Hart—To authorize the city of Mount Vernon, Ohio, to levy a special tax to equip certain railroad shops in said city.
H. B. No. 842—Mr. Guthrey—To amend section 141 of an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869, as amended April 16, 1874 (O. L., Vol. 71).
H. B. No. 843—Mr. Sellards—To clean out the mill dams and other obstructions in Pine creek, in Scioto and Lawrence counties.
H. B. No. 844—Mr. Meuser—To authorize the Council of the incorporated village of New Washington, in Crawford county, to borrow money for the construction of a lockup and Mayor's office.

H. B. No. 845—Mr. Swaim—For the relief of County Commissioners, and others.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 846—Mr. Haley—To authorize the incorporated village of Ada, Harden county, Ohio, to issue bonds and sell the same to pay judg' ment of Martha Clafin, and costs, interest and other expenses in and about her suit for damage against said village, and to provide for the payment of such bonds and the interest thereon.

H. B. No. 847—Mr. Hodge—To amend sections 339 and 342 of the municipal code.

H. B. No. 848—Mr. Carothers—To amend scction 1 of an act entitled "An act to authorize the Board of County Commissioners of Delaware county to levy a tax for the purpose of building a county jail in said county," passed and took effect March 14, A. D. 1877.

H. B. No. 849—Mr. Cleaver—To create two separate election precincts in Kirkwood township, Belmont county.

H. B. No. 850—Mr. Wales—To divide Hamilton township, Warren county, and attach a portion of said township to Union township, in Warren county.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 766—Mr. Quinby, from the Committee on Revision and Codification of the Statutes—To amend, revise and consolidate the statutes relating to criminal procedure and to repeal certain acts.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 844—Mr. Meuser—To authorize the Council of the incorporated village of New Washington, in Crawford county, to borrow money for the construction of a lockup and Mayor's office.

H. B. No. 852—Mr. Nixon—For the relief of Joseph McIlvane, treasurer of Scio special school district, North township, Harrison county, Ohio, and his sureties.

H. B. No. 835—Mr. Perkins—For the relief of the official sureties of Cortez Stephens, deceased, late treasurer of the township of Brunswick Medina county, Ohio.

H. B. No. 705—Mr. Barrett—To amend sections 1, 2 and 3 of an act entitled "An act requiring township assessors to ascertain the number of sheep killed and injured by dogs" (S. & C., p. 87).

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 689—To authorize the City of Dayton to build and maintain stationary bridges across the Mad river feeder of the Miami and Erie canal.

H. B. No. 695—Mr. Howland—Supplementary to an act entitled "An act to provide for the appointment of guardians for imbeciles," passed April 27, 1872 (69 Vol. O. L., p. 174).

H. B. No. 788—Mr. Tyron—To amend section 20 of an act entitled "An act for the assessment and taxation of property in this State, and for the levying taxes thereon according to its true value in money," passed April 5, 1859 (S. & C., p. 1447).

H. B. No. 792—Mr. Howland—To authorize the building of a town hall in the village of Jefferson, in Ashtabula county.

H. B. No. 803—Mr. Hitchcock—To amend section 55 of an act entitled "An act of the jurisdiction and procedure before Justices of the Peace, and of the duties of Constables in civil courts," passed March 14, 1853 (51 Vol. 179, S. & C., 769).

H. B. No. 816—Mr. Cowgill—To authorize the creation of a special school district in Rush township, Champaign county, Ohio.

H. B. No. 847—Mr. Hodge—To amend sections 337 and 342 of municipal code:

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

The following bill was introduced on leave, and read the first time:

S. B. No. 404—Mr. Bates—Supplementary to an act to provide for the better regulation of railroad companies and to protect the rights of minority stockholders, passed April 30, 1869 (O. L., 66, p. 77).

Mr. Bates, on leave, offered the following joint resolution:

S. J. R. No. 62—WHEREAS, The Mississippi Valley has heretofere received from the General Government but meager appropriations for the improvement of its rivers and harbors; and

WHEREAS, The Mississippi Valley and its slopes produce the great bulk of the agricultural surplus of the country, and the producing class of our people here have been and still are compelled to ship the products of their industries to tide water over expensive lines of railways, at a cost of twenty per centum of the gross value of such products, a tribute they can illy afford to pay monopolists, and from which they of right ought to be protected by the General Government; and

WHEREAS, If the navigation of the Mississippi river and its tributaries should be improved by the judicious expenditure of liberal appropriations made by Congress, our surplus products could reach tide water by way of New Orleans at a cost of six per centum of their gross value,

saving to the Western producers 14 per centum of the gross value of the products of their industries, which they would lose if compelled to reach tide water through unnatural channels; and

WHEREAS, By means of the first liberal appropriation made by Congress for the removal of obstructions to the navigation of these Western rivers, the mouth of the Mississippi has been successfully opened to commerce, but the benefits resulting from the consummation of this great enterprise can only be partially enjoyed by the inhabitants of the slopes and Valley of the Mississippi, unless their means of egress be facilitated by improving the navigation of these Western rivers; and

WHEREAS, By judiciously expended appropriations commensurable with the benefits which would result therefrom, the channel of the Mississippi river between the mouth of the Missouri and the Gulf of Mexico might be shortened nearly 200 miles, by which, together with the removal of the bars which retard the velocity of the current, this graet stream might be subdued and the immense adjacent territories of productiveness, now worthless from annual inundations and resulting malaria, might be reclaimed and utilized; therefore be it

"*Resolved by the General Assembly of the State of Ohio*, That the Congress of the United States be and is hereby memorialized to make just, liberal and sufficient appropriations for the permanent improvement of the navigation of the Mississippi river and its tributaries and their harbors: and in the expenditure of any money which may be so appropriated, and in all contracts for such river and harbor improvements that Congress adopt like rules and stipulations as in the contract with Captain Eads by the act of Congress approved March 3, 1875.

Resolved, That this memorial and these resolutions be transmitted through the proper channels to the Senate and House of Representatives of the United States.

Referred to the committee on Federal Relations.

Mr. Reese submitted the following report:

The standing committee on Corporations other than Municipal, to whom was referred H. B. No. 754—To amend an act entitled "An act to authorize Trustees of townships to appropriate lands for cemetery purposes," passed and took effect April 3, 1867 (S. & S., p. 912)—having had the same under consideration, report it back and recommend its passage.

R. E. REESE, GEO. W. ANDREWS.
J. R. JOHNSTON, W. R. WARNOCK.

The bill was ordered to be read the third time to-morrow.

On motion of Mr. Burrows, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk*.

TUESDAY, APRIL 10, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. I. F. King.

The Journal was read and approved.

Bills were read the second time and referred as follows:

H. B. No. 847—To amend sections 337 and 342 of municipal code.

To the committee on Judiciary.

H. B. No. 792—To authorize the building of a Town Hall in the village of Jefferson, Ashtabula county.

To the committee on Municipal Corporations.

H. B. No. 803—To amend section 55 of an act entitled an act of the jurisdiction and procedure before Justices of the Peace, and of the duties of Constables in civil courts, passed March 14, 1853. (51 volume, 179, S. & C. p. 769.)

To the committee on Judiciary.

H. B. No. 816—To authorize the creation of a special school district in Rush township, Champaign county, Ohio.

To the committee on Common Schools.

H. B. No. 689—To authorize the city of Dayton to build and maintain stationary bridges across the Mad river feeder of the Miami and Erie canal.

To the committee on Public Works.

H. B. No. 695—Supplementary to an act entitled an act to provide for the appointment of guardians for imbeciles, passed April 27, 1872. (69 vol. O. L., p. 174.)

To the committee on Judiciary.

H. B. No. 788—To amend section 20 of an act entitled an act for the assessment and taxation of property in this State, and for levying taxes thereon according to its true value in money, passed April 5, 1859. (S. & C. page 1447.)

To the committee on Finance.

H. B. No. 852—For the relief of Joseph McIlvane, treasurer of Scio special school district, Wort township, Harrison county, and his sureties.

To the committee on Finance.

H. B. No. 835—For the relief of the official sureties of Cortez Stephens, deceased, late treasurer of the township of Brunswick, Medina county, Ohio.

To the committee on Finance.

H. B. No. 705—To amend sections 1, 2 and 3 of an act entitled an act requiring Township Assessors to ascertain the number of sheep killed and injured by dogs. (S. & C. p. 87.)

To the committee on Agriculture.

H. B. No. 766—To amend, revise, and consolidate the statutes relating to criminal procedure, and to repeal certain acts.

To the committee on Judiciary.

H. B. No. 844—To authorize the Council of the incorporated village of New Washington, in Crawford county, to borrow money for the construction of a lock-up and Mayor's office.

To the committee on Judiciary.

Mr. Andrews, on leave, presented the petition of August Drook and 18 other citizens of Marion township, Mercer county, outside the limits of District No. 4 in said township, asking a special school district to be created within the limits of district No. 4, and stating that the balance of township will not be injured thereby.

To the committee on Common Schools.

Mr. Knox submitted the following report:

The standing committee on Finance to whom was referred amended H. B. No. 664—Making appropriations for the fiscal year 1877, and the first quarter of the fiscal year 1878, having had the same under consideration, report it back with the following amendments, and recommend its passage when so amended:

1. In line 23, section 1, strike out the figures "16" and "74" and insert "35" and "76" in their stead.

2. In section one, after line 43, insert, "for salary of an extra clerk, eight hundred dollars."

3. In section 1, after line 69, insert, "for carpet one hundred and twenty-five dollars."

4. In section 1, after line 75, insert, "for compensation of Commissioner, for extra labor—preparing for School Exhibit at the Centennial Exhibition—seven hundred and fifty dollars, to be paid from the Centennial Managers' fund."

5. In section 1, line 84, strike out the words "five hundred" and insert the words "one thousand."

6. In section 1, after line 84, insert, "for Messenger three hundred dollars."

7. In section 1, after line 87, insert, "for extra clerk, three hundred dollars."

8. In section 1, after line 88, insert, "for carpet for office, two hundred dollars."

9. In section one, after line 112, insert, "for books relating to the Mississippi Valley, one thousand dollars."

10. In section 1, after line 128, insert, "for carpet three hundred dollars."

11. In section 1, after line 130, insert, "for completing statistical part of the Secretary's Report for 1876, one hundred and fifty dollars."

12. In section 1, after line 157, insert, "for covering the walks, commencing on the south side of the State House, with asphalt, ———— dollars."

13. In section 1, after line 193, insert, "To reimburse the Treasury of Ashtabula county, in part, for the expenses of the Coroner's investigations of the Ashtabula bridge disaster, and to pay the Coroner's jury for their services in that case, two dollars per diem in excess of the amount now authorized by law, twelve hundred dollars."

14. In section 2, after line 82, insert, "for the purchase of three acres of land north of the Asylum building, known as the Parson lot, twenty-five thousand dollars."

15. In section 2, line 102, strike out the word "two."

16. In section 2, line 107, strike out the words "forty-five" and insert the word "thirty."

17. In section two, after line 118, insert, "for contingent expenses, one hundred dollars."

18. In section 2, line 128, strike out the words, "one thousand and five hundred," and insert the words "two thousand."

19. In section 2, line 129, strike out the word "eight" and insert the word "eighteen."

SAMUEL KNOX, J. H. BATES,
H. W. CURTISS, R. STANTON,
JNO. H. HUDSON, ELIAS ELLIS,
A. R. HAINES.

The President declared that the amendments proposed by said committee would be considered seriatim.

Amendments 1, 2 and 3, were agreed to.

Mr. Andrews moved to amend 4th amendment as follows:

Strike out "seven hundred and fifty," and insert in lieu thereof, "one thousand."

Which was disagreed to.

The amendment was agreed to.

Amendments Nos. 5, 6, 7, 8, 9, 10, 11 and 12 were agreed to.

Amendment No. 14 was informally passed.

Amendments Nos. 13, 15, 16, 17, 18 and 19 were agreed to.

Mr. Burrows moved that the vote whereby amendment No. 12 was agreed to be reconsidered.

Which motion was laid on the table.

The further consideration of said bill was postponed until 10½ o'clock, A. M. to-morrow.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 355—Mr. Hudson—Providing for the erection of a jail for the county of Erie, with the following amendments in which the concurrence of the Senate is requested:

Strike out in section 1, line 8, the words "twenty-five" and insert "thirty-five."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken, and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens. Philson, Ramson, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—30.

So the amendments were concurred in.

On motion of Mr. Burress, H. B. No. 726—To authorize the County Commissioners of Darke county to levy a tax to pay off an existing indebtedness of the Darke County Agricultural Society.

Was taken from the table.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—year 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Ellis, Haines, Hudson, Kerr, Kessler, Kleinschmidt, Lewis, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stickney, Stokes, Swan and Williams—26.

So the bill passed. The title was agreed to.

On motion of Mr. Stanton, S. B. No. 372—To create a special school district in Marion township, Morgan county, Ohio.

Was taken from the table.

Mr. Stanton moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Strike out all of section one, after the word "embracing," in line two, to and including the word "Larkin," in line eight, and insert the following described territory, to-wit:

A part of range 12, township 8, of the Ohio Company Purchase, and beginning in the south line of section 16, 109 rods east of the southwest

corner of said section 16; thence northerly along the west line of lands now owned by Alfred Worrall, Wm. H. Smith and Wm. P. Hunnicutt, to the center of Wolf creek; thence down the center of said Wolf creek to the east line of said section 16; thence north to the northwest corner of fraction four; thence east to the middle of the north line of said fraction four; thence south to the middle of the south line of fraction twelve; thence west to the northeast corner of fraction two; thence south to the southeast corner of said fraction two, thence west to the northwest corner of section eight; thence south to the southeast corner of fraction one; thence west to the northeast corner of lands now owned by John Wagoner, in fraction seven; thence south to the southeast corner of said John Wagoner's lands; thence northwesterly, including lands of Thomas K. Smith and the said John Wagoner, to the south line of said fraction one; thence west to the southwest corner of said fraction one; thence north to the northwest corner of said fraction one; thence east to the southwest corner of lands now owned by the heirs of Thomas Larkins, in fraction thirty-six; thence north to the road leading west from the town of Chesterfield; thence easterly along said road, and including lands of Hannah G. Israel, to the east line of said fraction thirty-six; thence north to the northwest corner of fraction 6; thence west to the place of beginning."

Which was agreed to.

Mr. Stanton was appointed such select committee.

Mr. Stanton, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 372, with instructions to amend, reports the same back amended as instructed.

R. STANTON.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stokes and Warnock—26.

So the bill passed. The title was agreed to.

On motion of Mr. Burress the Senate took a recess.

THREE O'CLOCK P. M.

S. B. No. 242—To authorize the creation of a special school district in Clay township, Gallia county, Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 28, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stokes, Swan, Warnock and Williams—28.

Mr. Ransom voted in the negative—1.

So the bill passed. The title was agreed to.

H. B. No. 735—To locate a special school district in the townships of Greenwich and Ripley, Huron county, Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stokes, Swan, Warnock and Williams—29.

So the bill passed. The title was agreed to.

H. B. No. 560—To create a special school district in Sycamore township, Hamilton county, Ohio.

Was read the third time.

The question being, "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates. Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Reese, Rukenbrod, Spangler, Stanton, Stokes, Swan, Warnock and Williams—30.

So the bill passed. The title was agreed to.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed S. B. No. 375, an H. B. No. 716.

WM. W. BEATTY, J. C. SCHENCK,
H. V. KERR.

S. B. No. 375—Supplementary to the act to require mortgages or bills of sale of personal property to be deposited with township clerks.

Was read the third time.

Mr. Burress moved that the bill be referred to a select committee of one with instructions to amend as follows:

After the word "same," in line 4, section 1, insert the following: "at the expense of the person depositing such mortgage."

Which was agreed to.

Mr. Burress was appointed such select committee.

Mr. Burress, on leave, submitted the following report:

The select committee of one to whom was referred S. B. No. 375, with instructions to amend, reports the same back amended as instructed.

N. P. BURRESS.

Mr. Warnock moved to refer the bill to a select committee of one with instructions to amend as follows:

In section 1, line 4, strike out the word "record," and insert "index."

In line 6, strike out "forty," and insert "ten."

In line 11, strike out "twenty-five," and insert "ten."

Which was disagreed to.

Mr. Johnston moved that said bill be referred to a select committee of one, with instructions to amend as follows:

At the end of section 1, add the following: "And when such mortgage or bill of sale shall have been satisfied, the party holding the same shall forthwith notify the township clerk of that fact, and said clerk shall, without delay, note such cancellation and satisfaction of such chattel mortgage, or bill of sale, upon the margin of the record thereof without charge therefor."

Which was agreed to.

Mr. Johnston was appointed such select committee.

Mr. Johnston. on leave, submitted the following report:

The select committee of one to whom was referred S. B. No. 375, with instructions to amend, reports the same back amended as instructed.

J. R. Johnston.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Lewis, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—31.

So the bill passed. The title was agreed to.

H. B. No. 546—To provide for the better protection of society from small pox.

Was read the third time.

Mr. Schenck moved that the bill be referred to a select committee of one with instructions to amend as follows:

Striking out section 2 and section 5.

Mr. Burress moved that the bill, with pending amendment, be laid on the table.

Which was agreed to.

H. B. No. 754—To amend an act entitled "An act to authorize the Trustees of townships to appropriate lands for cemetery purposes," passed and took effect April 3, 1867 (S. & S., p. 912).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Ross, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kessler. Kleinschmidt, Knox, Lewis, Owens, Philson, Reese. Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—25.

So the bill passed. The title was agreed to.

Mr. Schenck moved that S. B. No. 241—To amend section 1 of an act entitled "An act to punish certain offenses therein named," passed February 24, 1876, be taken from the table.

Which was agreed to.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 7, nays 21, as follows:

Those who voted in the affirmative were—

Messrs. Brown of Lucas, Curtiss, Kessler, Schenck, Sheridan, Stickney and Williams—7.

Those who voted in the negative were—

Messrs. Andrews, Ault. Bates, Burns, Burress, Burrows, Ellis, Haines, Johnston, Kent, Kleinschmidt, Knox, Owens, Philson, Reese, Rukenbrod, Spangler, Stanton, Stokes, Swan and Warnock—21.

So the bill was lost.

On motion of Mr. Philson, H. B. No. 586—Prescribing the rate of tax-

ation for county, bridge, road and township purposes, and to repeal certain acts therein named—

Was taken from the table.

Mr. Stanton moved that the bill be referred to a select committee of one with instructions to amend as follows:

Strike out all after the word "performed" in line 10, section 8, to and including to word "performed" in line 11.

Strike out the word "June" in line 12, same section, and insert "September."

Mr. Brown of Ross moved to amend the amendments as follows:

Strike out September" and insert "October."

Which was disagreed to.

The motion of Mr. Stanton was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 29, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Curtiss, Ellis, Haines, Hudson, Johnston, Kent Kerr, Kessler, Kleinschmidt, Lewis, Owens, Philson, Ransom, Reese. Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Warnock and Williams —29.

Those who voted in the negative were—

Messrs. Burrows, Knox, Stanton, Stokes and Swan—5.

So the bill passed. The title was agreed to.

On motion of Mr. Andrews, S. B. No. 370—Supplementary to the several acts prescribing the powers and duties of notaries public—was taken from the table.

Mr. Andrews moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Strike out all after the enacting clause in the first section and insert: "That notaries public resident within a county of this State containing a city or incorporated village, whose corporate limits extend into two or more counties, shall have the power and are hereby authorized to exercise the duties of their office within the corporate limits of said city or incorporated village, and all acts done within said corporate limits shall have the same force and effect as if done within the county for which the notary public doing the act holds a commission: but when such duties are so exercised in a part of the city or village out of the county expressed in his commission, the notary shall include in his official cercate a statement that the act was done within such city or incorporated village.

Which was agreed to.

Mr, Andrews was appointed such select committee.

Mr. Andrews, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 370, with instructions to amend, reports the same back amended as instructed.

GEO. W. ANDREWS.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler,

Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Reese, Sheridan, Spangler, Stanton, Stickney, Swan, Warnock and Williams—30.

So the bill passed. The title was agreed to.

The following bills were introduced, on leave, and read the first time:

S. B. No. 405—Mr. Philson—To authorize the Commissioners of Meigs county, Ohio, to levy a tax for improving the road leading from rhe city of Pomeroy to the village of Racine in said county.

S. B. No. 406—Mr. Brown of Lucas—Supplementary to an act to authorize the incorporation of Boards of Trade and Chambers of Commerce.

Mr. Brown of Lucas moved that the constitutional rule requiring bills to be read on three different days be dispensed with and said S. B. No. 406 be read the second time.

On which motion the yeas and nays were taken, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Reese, Schenck, Sheridan, Spangler, Stickney, Swan and Warnock—29.

So the rule was dispensed with.

The bill was read the second time and referred to the committee on Municipal Corporations.

On motion of Mr. Bates the committee on Judisiary was discharged from the further consideration of S. B. No. 342—To regulate the election of Justices of the Peace and Constables in certain cases.

The bill was referred to a select committee of four—Messrs. Bates, Kessler, Kleinschmidt and Ransom.

Mr. Burns submitted the following report:

The standing committee on Municipal Corporations to whom was referred S. B. No. 281—To enable the township and incorporated village of Malta to purchase a site for and build a town hall—having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

At the end of section 1 add the following:

Provided, that before said building shall be erected or contracted for, the question as to whether such building shall be erected shall be, at either a regular spring or fall election, submitted to the voters of said township and village for their approval or disapproval; and if a number of votes equal to a majority of all the votes cast at said election shall be cast in favor of building such town hall, said Trustees and Council may proceed to erect such town hall, and not otherwise.

Strike out of line 4, section 1, the words "purchase a site for and"

Strike out of line 2, section 3, the words "purchase a site and."

A. M. Burns, Jas. W. Owens,
H. Kessler, R. E. Reese,
J. C. Schenck.

The amendments were agreed to.

The bill was ordered to be engrossed, and read the third time to-morrow.

Mr. Kessler submitted the following report:

The select committee of four, to whom was referred H. B. No. 665—To

provide for the cleaning of sewers, catch basins, avenues, streets alleys, market places, wharves, etc., in cities of the first-class, having a population of more than 150,000 at the last Federal census—having had the same under consideration, report it back and recommend its passage.

H. KESSLER,
E. F. KLEINSCHMIDT,
J. H. BATES.

The bill was ordered to be read the third time to-morrow.

Mr. Schenck submitted the following report:

The standing committee on Benevolent Institutions, to whom was referred H. B. No. 554—Supplementary to the act for the establishment, support and regulation of children's homes in the several counties and children's home's districts in this State, and to repeal certain acts therein named," passed March 22, 1876, (O. L., vol 73, p. 64)—having had the same under consideration, report it back, with following amendments, and recommend its passage when so amended:

In section 2, line 5, strike out the word "teachers," and insert the word "attendants."

At end of section 2, insert "Provided, that the trustees of such children's aid society shall have the same authority, and be subject to the same restriction, so far as the school instruction of the inmates is concerned, which is made and provided for inmates of schoolage, of county infirmaries and children's homes, in section 50 of an act for the reorganization and maintenance of common schools, as passed may 1, 1873.

J. C. SCHENCK, E. T. STICKNEY,
J. K. RUKENBROD, E. C. LEWIS,
J. R. PHILSON, E. P. RANSOM,
H. V. KERR.

The amendments were agreed to, and ordered to be engrossed.

The bill was ordered to to be read the third time to-morrow.

Mr. Owens submitted the following report:

The standing committee on Common Schools, to whom was referred H. B. No. 777—To amend section 56 of an act entitled "An act for the reorganization and maintenance of common schools, passed and took effect May 1, 1873, (O. L., vol. 70, p. 211)—having had the same under consideration, report it back and recommend its passage.

JAMES W. OWENS, W. R. WARNOCK,
E. P. RANSOM, E. T. STICKNEY.

The bill was ordered to be read the third time to-morrow.

Mr. Stanton submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 425—To authorize the Auditor of Washington county to refund taxes erroneously paid by F. Boyce—having had the same under consideration, report it back and recommend its passage.

SAMUEL KNOX, ELIAS ELLIS,
R. STANTON, JNO. H. HUDSON,
J. H. BATES, A. R. HAINES,
H. W. CURTISS.

The bill was ordered to be read the third time to-morrow.

Mr. Brown of Ross submitted the following report:

The standing committee on Agriculture, to whom was referred H. B. No. 705—To amend section 1, 2 and 3 of an act entitled an act requiring township assessors to ascertain the number of sheep killed and injured by dogs, (S. & C., p. 87)—having had the same under consideration, report it back and recommend its passage.

A. L. Brown, Elias Ellis,
A. Spangler, A. R. Haines,
H. Kessler.

The bill was ordered to be read the third time to-morrow.

Mr. Brown of Ross submitted the following report:

The standing committee on Roads and Highways, to whom was referred H. B. No. 594—To authorize the Commissioners of Scioto county to purchase toll road and levy a tax to pay for same—having had the same under consideration, report it back and recommend its passage.

A. L. Brown, Wm. Sheridan, Jr.,
A. Spangler, A. R. Haines,
J. R. Johnston, M. Kent,
J. B. Williams.

The bill was ordered to be read the third time to-morrow.

On motion of Mr. Bates, S. B. No. 297—To amend section 200 of an act to establish a code of civil procedure, (S. & S., p. 550)—was taken from the table.

The bill was ordered to be read the third time to-morrow.

The following bill was introduced, on leave, and read the first time:

S. B. No. 407—Mr. Burns—To amend section 313 of the code of civil procedure as amended March 23, 1875.

Mr. Johnston submitted the following report:

The standing committee on Roads and Highways, to whom was referred S. B. No. 373—To amend section 10 of an act for opening and regulating roads and highways, passed January 27, 1853, (S. & C., p. 1293)—having had the same under consideration, report it back, and recommend its postponement.

A. L. Brown, J. R. Johnston,
J. B. Williams, A. Spangler.

The bill was ordered to be engrossed and read the third time to-morrow.

On motion of Mr. Ellis, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

Wednesday, April 11, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. I. F. King.

The Journal was read and approved.

A message was received from the Governor transmitting a communication from Charles C. Walcutt, Chairman of the Board of Directors of the Ohio Penitentiary, recommending changes in compensation required for convict labor, which was read at the Clerk's desk, ordered placed in the Appendix, and referred to the committee on Penitentiary.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 693—Mr. Sellards—To amend section thirty of an act entitled "An act for opening and regulating roads and highways," passed January 27, 1853, (S. & C., 1296), as amended March 4, 1865, (S. & S., 692, vol. 62, p. 351).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 383—Mr. Johnston—Defining the jurisdiction of the Probate Court in the county of Mahoning, in minor criminal cases.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 387—Mr. Lewis—For the relief of Katy Ann Urick and others.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 851—Mr. Sorter—To amend section thirty-four of an act to provide for the creation and regulation of incorporated companies in the State of Ohio, (S. & C., p. 295).

H. B. No. 852—Mr. Nixon—For the relief of Joseph McIlvain, treasurer of Scio Special School District, North township, Harrison county, Ohio, and his sureties.

H. B. No. 853—Mr. Howland—Relating to certain proposed amendments to the constitution, and the publication thereof.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 768—Mr. Beach—To secure pay to persons performing labor or furnishing materials in constructing turnpike or improved roads.

H. B. No. 810—Mr. Thresher—Relating to dower, and the mode of fixing the value in money of dower estates.

H. B. No. 746—Mr. Messer—Supplementary to an act entitled "An act for the incorporation of townships," passed March 16, 1853.

H. B. No. 639—Mr. Stryker—For the better security of head contractors, sub-contractors and material men, and to repeal certain acts therein named.

H. B. No. 831—Mr. Converse—Vesting the Police Commissioners with certain powers and duties of a Board of Health in cities of the second class, having a population of more than thirty-one thousand and less than thirty-five thousand at the last federal census, and not having a Board of Health.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

H. B. No. 664—Making appropriations for the fiscal year 1877, and the first quarter of the fiscal year 1878—the special order for this hour, was taken up for further consideration.

Amendment number fourteen, reported from Finance committee, informally passed, was taken up for further consideration.

The question being on agreeing to said amendment, the yeas and nays were taken and resulted--yeas 14, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Burress, Curtiss, Hudson, Kerr, Knox, Lewis, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck and Stanton—14.

Those who voted in the negative were—

Messrs. Beatty, Brown of Ross, Burns, Burrows, Ellis, Haines, Kent, Kessler, Kleinschmidt, Miller, Spangler, Stokes, Warnock and Williams —14.

So the amendment was disagreed to.

On motion of Mr. Knox, the Senate resolved itself into a committee of the Whole, for the further consideration of said bill.

After some time spent in consideration of said bill, the committee rose, reported progress, and asked leave to sit again at three o'clock P. M.

Which was granted.

On motion of Mr. Owens, the Senate took a recess.

THREE O'CLOCK P. M.

In pursuance of a previous order of the Senate, it resolved itself into a committee of the Whole, for the further consideration of H. B. No. 664.

After some time spent in the consideration of said bill, the committee rose, reported progress, and asked leave to sit again at 10:30 o'clock A. M. to-morrow.

Which was granted.

The following communication was received from the Governor:

MESSAGE FROM THE GOVERNOR.

THE STATE OF OHIO, EXECUTIVE DEPARTMENT.

COLUMBUS, 11th day of April, 1877.

To the Senate:

I have the honor to nominate, and by and with the advice and consent

of the Senate, appoint Ralph P. Buckland, of Sandusky county, to be Trustee of the Soldiers' and Sailors' Orphans' Home, at Xenia, for the term of five years.

Very respectfully, THOS. L. YOUNG, *Governor.*

Referred to the committee on Ohio Soldiers' and Sailors' Orphans' Home.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills:

S. B. No. 95—Authorizing the organization of Common Carrier Companies.

S. B. No. 368—To authorize the Common Council of Oak Harbor to borrow money.

S. B. No. 378—Supplementary to an act entitled an act to provide for the appointment of trustees, etc.

C. J. SWAN, T. P. BROWN,
H. V. KERR, THOS. S. LUCCOCK,
ASA TOBEREN, J. W. WASHBURN.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills and joint resolution:

S. B. No. 376—To authorize the City Council of the city of Mansfield to levy a tax in addition to that now authorized by law for the payment of a certain bonded debt.

S. B. No. 349—For the relief of Peter Weikert.

S. B. No. 352—To amend section four of the act to regulate turnpike companies.

S. B. No. 319—For the relief of Thomas H. Farmilton.

S. J. R. No. 48—Relative to the printing and distribution of the report of the Ohio Board of Centennial Managers.

S. B. No. 247—Supplementary to the act relating to cities of the first class.

S. B. No. 364—For the relief of James F. Coffield and his sureties.

S. B. No. 338—To amend an act to authorize the Commissioners of Seneca county to build a jail and issue bonds.

S. B. No. 38—To amend section 154 of the act to establish a code of criminal procedure for the State of Ohio.

H. B. No. 615—To provide for the payment of a town hall in Polk township, Crawford county, Ohio.

H. B. No. 565—To authorize the Auditor of Butler county, Ohio, to pay a claim therein named.

H. B. No. 785—To authorize the Commissioners of Stark county, Ohio, to increase the levy for county fund.

H. B. No. 771—To authorize the Commissioners of Columbiana county, Ohio, to repair West Point and Hanover Road.

C. J. SWAN, T. P. BROWN,
E. C. LEWIS, E. L. LYBARGER,
T. S. LUCCOCK, J. W. WASHBURN,
ASA TOBEREN.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled, the following bills and joint resolution:

H. J. R. No. 103—Providing for the safe keeping of the Centennial Album.

H. B. No. 625—To authorize the trustees of Canaan township, Morrow county, Ohio, to borrow money to enlarge and improve cemetery grounds.

H. B. No. 692—To refund to Jonah F. Robinson, Treasurer of Morgan township, Gallia county, certain money stolen from him.

H. B. No. 334—Supplementary to the act entitled "An act regulating descents, and the distribution of personal estates," passed March 14, 1853, (S. & C. 501), and to the various acts amendatory thereof.

E. L. Lybarger, J. W. Washburn,
Thos. S. Luccock, C. J. Swan,
T. P. Brown, H. V. Kerr,
E. C. Lewis.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled, the following bills:

H. B. No. 818—To authorize the trustees of Wayne township, Clermont county, Ohio, to transfer certain funds.

H. B. No. 687—Authorizing the trustees of Orange township, Ashland county, Ohio, to transfer certain funds therein named, to the general fund of said townsnip.

H. B. No. 736—To fix the time for holding an additional term of the District Court in Vinton county.

H. B. No. 759—To authorize the incorporated village of Fostoria in Seneca county, Ohio, to borrow money to purchase a steam fire engine.

J. W. Washburn, Asa Toberen,
Thos. S. Luccock, E. L. Lybarger,
E. C. Lewis, T. P. Brown,
C. J. Swan.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and joint resolution:

H. B. No. 771—Mr. Boyce—To authorize the Commissioners of Columbiana county, Ohio, to repair West Point and Hanover road.

H. B. No. 785—Mr. Sherrick—To authorize the Commissioners of Stark county, to increase the levy for county fund.

H. B. No. 565—Mr. Neal—To authorize the Auditor of Butler county, Ohio, to pay a claim named therein.

H. B. No. 615—Mr. Meuser—To provide for the payment of a town hall, in Polk township, Crawford county, Ohio.

S. B. No. 338—Mr. Stickney—To amend an act entitled "An act to authorize the Commissioners of Seneca county to build a jail, and issue bonds therefor."

S. B. No. 247—Mr. Bates—Supplementary to the "Act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants," passed May 4, A. D. 1869.

S. B. No. 319—Mr. Lewis—For the relief of Thomas H. Farmilton.

S. B. No. 352—Mr. Warnock—To amend section four of an act entitled an act to amend the act entitled "An act for the regulation of turnpike companies," (S. & C., page 337).

S. B. No. 349—Mr. Stickney—For the relief of Peter Weikert.

S. B. No. 376—Mr. Burns—To authorize the city council of the city of Mansfield to levy a tax in addition to that now authorized by law for the payment of a certain bonded debt.

S. B. No. 364—Mr. Burress—For the relief of James F. Coffield and his sureties, Treasurer of Patterson township, Darke county, Ohio.

S. B. No. 38—Mr. Burns—To amend section one hundred and four of the act entitled "An act to establish a code of criminal procedure for the State of Ohio," and to repeal certain acts therein named.

S. J. R. No. 48—Mr. Rukenbrod—Relative to the printing and distribution of the report of the Ohio Board of Centennial Managers.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills and joint resolution.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and joint resolution:

H. B. No. 736—Mr. Swaim—To fix the time for holding an additional term of the District Court in Vinton county.

H. B. No. 818—Mr. West—To authorize the Trustees of Wayne township, Clermont county, Ohio, to transfer certain funds.

H. B. No. 687—Mr. Myers—Authorizing the Trustees of Orange township, Ashland county, Ohio, to transfer certain funds therein named to the general fund of said township.

H. B. No. 625—Mr. Duncan—To authorize the Trustees of Canaan township, Morrow county, Ohio, to borrow money to enlarge and improve cemetery grounds.

H. B. No. 692—Mr. Stone—To refund to Jonah F. Robinson, Treasurer of Morgan township, Gallia county, certain money stolen from him.

H. B. No. 334—Mr. McLain—Supplementary to the act entitled "An act regulating descents, and the distribution of personal estates," passed March 14, 1853, (S. & C. 501), and the various acts amendatory thereof.

H. B. No. 759—Mr. Norton—To authorize the council of the incorporated village of Fostoria, in Seneca county, Ohio, to borrow money to purchase a steam fire engine.

H. J. R. No. 103—Mr. Converse—Providing for the safe keeping of the Centennial Album.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills and joint resolution.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed, S. Bs. Nos. 281, 373 and H. B. No. 554.

WM. W. BEATTY,
H. V. KERR,
J. C. SCHENCK.

Mr. Andrews submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 190—To amend sections 534 and 536 of an act to establish a code of civil procedure, passed March 11, 1853, (S. & C. pages 1112 and 1115)—having had the same under consideration, report it back, and recommend that the Senate disagree to the House amendments.

GEO. W. ANDREWS, J. H. BATES,
JAS. W. OWENS, N. P. BURRESS,
A. M. BURNS.

The question being on concurring in said amendments, the yeas and nays were taken, and resulted—yeas none, nays 27, as follows:

Those who voted in the negative were—

Messrs. Andrews, Ault, Bates, Beatty, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stoks, Swan, Warnock and Williams—27.

So the amendments were not concurred in.

S. B. No. 403—To authorize the city council of Newark, and the county commissioners, to unite in building a sewer in said city, and to provide the necessary funds therefor.

Was read the second time and referred to the committee on Municipal Corporations.

H. B. No. 441—To enable the trustees of the church of the United Brethren in Christ, in Green township, Hocking county, Ohio, to sell and convey certain real estate.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Burress, Burrows, Curtiss, Ellis, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stokes, Swan, Warnock and Williams—27.

So the bill passed. The title was agreed to.

S. B. No. 297—To amend section 200 of an act to establish a code of civil procedure, (Swan & Sayler, page 550).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 26, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Kent, Kessler, Kleinschmidt, Lewis, Owens, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stokes, Swan and Williams—26.

So the bill passed. The title was agreed to.

S. B. No. 157—To protect owners of real estate in remainder against waste committed thereon by tenets, by the courtesy.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 28, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Kent, Kessler, Kerr, Kleinschmidt, Knox, Lewis,

Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stokes, Swan, Warnock and Williams—28.

The bill passed. The title was agreed to.

S. J. R. No. 43—Relative to the restoration of the silver dollar to its former rank as lawful money.

Was taken up for further consideration.

Mr. Stanton moved that the resolution be laid on the table.

Which was disagreed to.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 24, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Burns, Burress, Burrows, Ellis, Haines, Hudson, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Reese, Rukenbrod, Spangler, Stokes,, Swan, Warnock and Williams—24

So the resolution was adopted.

Mr. Lewis submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled the following bill:

S. B. No. 351—To require the Township Trustees of Fairfield township, in the county of Tuscarawas, to open a certain county road through said township.

E. C. Lewis, C. J. Swan,
H. V. Kerr, Thos. S. Luccock.

Mr. Owens, on leave, submitted the following report:

The standing committee on Municipal Corporations to whom was referred S. B. No. 403—To authorize the City Council of Newark, and the County Commissioners, to unite in building a sewer in said city, and to provide the necessary funds therefor, having had the same under consideration, report it back and recommend its passage.

A. M. Burns, Jas. W. Owens,
J. C. Schenck, R. E. Reese,
H. Kessler.

The bill was ordered to be engrossed and read the third time to-morrow.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bill:

S. B. No. 351—Mr. Lewis—To require the Township Trustees of Fairfield township, in the county of Tuscarawas county, to open a certain county road through said township.

Attest: Wm. Leonard, *Clerk.*

The President, in the presence of the Senate, signed said bill.

Mr. Burns, submitted the following report:

The standing committee on Judiciary to whom was referred S. B. No. 323—To amend section 53 of the code of civil procedure, (S. & C., 960,)

having had the same under consideration, report it back, and recommend its passage.

J. H. Bates, A. M. Burns,
W. R. Warnock, N. P. Burress,
Jas. W. Owens, Geo. W. Andrews,
C. J. Swan.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Reese submitted the following report:

The standing committee on Public Works to whom was referred—

H. B. No. 750—To authorize the Board of Public Works to construct a culvert under Hocking Valley Canal, near Lancaster, Fairfield county, having had the same under consideration, report it back, with the following amendment, and recommend its passage when so amended:

In line 3 of section 2, strike out "five hundred dollars" and insert "three hundred and ninety-eight dollars."

R. E. Reese, C. J. Swan,
Jas. W. Owens, M. Kent.

The amendment was agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Owens submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 853—Relating to certain proposed amendments to the Constitution and the publication thereof, having had the same under consideration, report it back with the following amendments, and recommend its passage when so amended:

In line 3, section 4, after the word "published" insert "once each week."

Strike out all of said section 4 after the word "published" in line 5, and in lieu thereof insert, "once each week for six months, and until the second Tuesday in October, A. D. 1877, and in counties where more than one newspaper is published, the Secretary of State is hereby authorized and required to publish the same in one or more newspapers, other than the one in which it shall have been first published under his direction, from the earliest time practicable, until the second Tuesday in October, 1877. Provided, that in counties where the newspapers represent each of the leading political parties then such amendments shall be published in at least one newspaper of each political party."

J. H. Bates, James W. Owens,
N. P. Burress, Geo. W. Andrews,
C. J. Swan, W. R. Warnock.
A. M. Burns.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Reese submitted the following report:

The standing committee on Privileges and Elections to whom was referred H. B. No. 641—To amend section 1 of an act supplementary to an act to provide for the division of townships into election precincts, passed March 14, 1853, passed April 12, 1858, (S. & C. p. 1575,) having had the same under consideration, report it back and recommend its passage.

R. E. Reese, J. H. Bates,
J. B. Williams, H. Kessler.

The bill was ordered to be read the third time to-morrow.

Mr. Hudson submitted the following report:

The standing committee on Finance, to whom was referred—

S. B. No. 399—To authorize the incorporated village of Clifton, Hamilton county, to issue bonds and levy a tax for the purpose of laying water pipes, having had the same under consideration, report it back and recommend its passage.

J. H. Hudson, A. R. Haines,
Samuel Knox, Elias Ellis,
J. H. Bates.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Williams submitted the following report:

The standing committee on Privileges and Elections to whom was referred S. B. No. 130—To preserve the purity of the ballot box, having had the same under consideration, report it back, without recommendation.

J. B. Williams, J. H. Bates,
R. E. Reese, John Ault,
H. V. Kent, H. Kessler.

The bill was ordered to be engrossed and read the third time Wednesday.

Mr. Kessler submitted the following report:

The standing committee on Fees and Salaries, to whom was referred Amended H. B. No. 628—Prescribing the fees of County Auditors, and to repeal certain acts therein named, having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

1st. Strike out section 3.

2d. Renumber the sections consecutively.

H. Hessler, A. Spangler,
H. W. Curtiss, Samuel Knox,
John Ault, N. P. Burress,
Elias Ellis.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Knox submitted the following report:

The standing committee on Finance to whom was referred H. B. No. 852—For the relief of Joseph McIlvane, treasurer of Scio special school district, North township, Harrison county, Ohio, and his sureties, having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

1st. Strike out line 7 of section 1, and insert the words "of supplying the deficiency in said school fund."

2d. At the end of section 2 add the following: "Provided that before such release shall be had the Board of Education shall submit the question to the qualified electors of said school district at a special election, of which ten day's notice shall be given by posting up written or printed notices in five of the most public places in said district, and that a ma-

jority voting shall favor the release; the election to be held and conducted by the Board of Education.

SAMUEL KNOX, H. W. CURTISS,
J. H. BATES, JNO. H. HUDSON,
ELIAS ELLIS, A. R. HAINES.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Knox submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 788—To amend section 20 of an act entitled "An act for the assessment and taxation of property in this State, and for the levying taxes thereon according to its true value in money," passed April 5, 1859 (S. & C., p. 1447)—having had the same under consideration, report it back and recommend its passage.

SAMUEL KNOX, A. R. HAINES,
J. H. BATES, ELIAS ELLIS,
JNO. H. HUDSON, R. STANTON.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Kent, Kessler, Kleinschmidt, Knox, Owens, Philson, Bansom, Reese, Rukenbrod, Spangler, Stanton, Swan, Warnock and Williams—23.

So the bill passed. The title was agreed to.

H. B. No. 705—To amend sections 1, 2 and 3 of an act entitled "An act requiring township Assessors to ascertain the number of sheep killed and injured by dogs," (S. & C., p. 87.)

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Burns, Burress, Burrows, Curtiss, Ellis, Kent, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stokes, Swan, Warnock and Williams—23,

So the bill passed. The title was agreed to.

Mr. Kessler submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 569—Supplementary to an act entitled "An act to authorize the City Council of the city of Hamilton to fill a part of the canal basin in said city," passed April 27, 1872 (Vol. 69, O. L., 271), and an act supplementary to said act, passed April 6, 1876 (Vol. 73, O. L., 275). —having had the same under consideration, report it back and recommend its passage.

H. KESSLER, J. C. SCHENCK,
A. M. BURNS, R. E. REESE.

The bill was ordered to be read the third time to-morrow.

Mr. Bates submitted the following report:

The standing committee on Privileges and Elections, to whom was re-

ferred H. B. No. 761—To divide the township of Perry, Wood county, Ohio into two election precincts, having had the same under consideration, report it back and recommend its passage.

J. H. Bates, J. B. Williams,
J. R. Johnston, R. E. Reese,
H. Kessler, John Ault,
M. Kent.

The bill was ordered to be read the third time to-morrow.

Mr. Bates submitted the following report:

The committee on Judiciary, to whom was referred S. B. No. 400 --To create two election precincts in Salt Creek township, in Wayne county, having had the same under consideration, report it back and recommend its passage.

J. H. Bates, Geo. W. Andrews,
Jas. W. Owens, N. P. Burress.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Burrows submitted the following report:

The standing committee on Federal Relations, to whom was referred S. J. R. No. 62, having had the same under consideration, report it back, and recommend its adoption.

S. S. Burrows, Wm. H. Stokes,
Samuel Knox, E. F. Kleinschmidt.
W. R. Warnock.

The further consideration of said resolution was postponed until Wednesday.

Mr. Ellis submitted the following report:

The standing committee on Finance, to whom was referred H. J. R. No. 100—Requiring the proceeds of the sale of certain lands to be placed to the credit of the funds of the Ohio Mechanical and Agricultural College —having had the same under consideration, report it back and recommend its adoption.

Elias Ellis, A. R. Haines,
J. H. Bates, Samuel Knox,
Jno. H. Hudson.

The further consideration of said resolution was postponed until Wednesday.

Mr. Kleinschmidt submitted the following report:

The select committee of four, to whom was referred S. B. No. 342—To amend section 5 of an act to amend an act entitled "An act for the assessment and taxation of property in this State, and for levying taxes therein according to its true in money," passed May 8, 1868—having had the same under consideration, report it back, with the following amendment, and recommend its passage when so amended:

In 1st section, 4th line, after the word "Auditor" insert "of the county in which such city is situated."

In same line after the word "shall" insert "on passage of this act, and every year thereafter."

In 7th line strike out after the word "office" to include the word "or."

In section 2, line 3, after word "April" insert "or so soon thereafter as practicable."

Strike out all of section 3.

In section 4, line 9, strike out after the word "them" to include the word "office" in the 10th line.

Renumber sections 4, 5, 6, 7 and 8, to 3, 4, 5, 6 and 7.

J. H. BATES, E. F. KLEINSCHMIDT,
H. KESSLER, E. P. RANSOM.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

On motion of Mr. Kessler, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

THURSDAY, APRIL 12, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by the Rev. I. F. King.

The Journal was read and approved.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in Senate amendments to—

H. B. No. 586—Mr. Davies—Prescribing the rate of taxation for county, bridge, road and township purposes, and to repeal certain acts therein named.

Attest: WM. LEONARD, *Clerk.*

On motion of Mr. Philson, a message was sent to the House of Representatives insisting on said amendments, and asking for a committee of conference.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 95—Mr. Bates—Authorizing the organization of common carrier companies—

With the following amendment, in which the concurrence of the Senate is requested:

Strike out all after line three, to the word "with," in line eight.

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendment, the yeas and nays were taken and resulted—yeas, 27, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Bates, Brown of Ross, Burns, Curtiss, Ellis, Haines, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—27.

Mr. Andrews voted in the negative—1.

So the amendment was concurred in.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 854—Mr. Richards—To amend section two of an act supplementary to an act entitled "An act to restrain from running at large certain animals therein named," passed April 13, 1865, (S. & S., p. 9.)

H. B. No. 855—Mr. Brunner—To create a special school district in Richland township, Wyandot county, and to authorize the Board of Education of said township to transfer certain funds to the Board of Education of said special district.

H. B. No. 856—Mr. Baker of Perry—To create a joint sub-district for school purposes in the township of Thorn, Perry county, and Walnut township, Fairfield county.

H. B. No. 857—Mr. Wales—To authorize the council of the incorporated village of Franklin, Warren county, to issue and sell bonds to purchase a fire engine.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 858—Mr. Meuser—To provide for the release of John G. Birk and the sureties on the several bonds given by him as treasurer of the school district of the incorporated village of Bucyrus, Ohio, and the sureties on his bond, as treasurer of Crawford county, from liability for the funds of said school district, in the sum therein named.

H. B. No. 859—Mr. Wiltsee—To amend an act to amend an act entitled "An act further to provide for the government of the Longview Asylum, and amendatory and supplementary to the act entitled 'an act to constitute the county of Hamilton a separate district for lunatic asylum purposes, and to provide for the erection and government of an asylum therein,'" passed April 16, 1867, (vol. 64, p. 246.)

H. B. No. 860—Mr. Converse—To amend and repeal section four of the act entitled "An act to amend an act to exempt the homestead of families from forced sale on execution to pay debts," passed March 23, 1850, (S. & C., vol. 2, p. 1145), passed April 9, 1869, (O. L., vol 66, 50.)

H. B. No. 861—Mr. Converse—Extending jurisdiction of Notaries Public for Van Wert county.

H. B. No. 862—Mr. Converse—To punish offenses on street railroad cars.

H. B. No. 863—Mr. Converse—To amend an act entitled "An act supplementary to the act regulating the mode of administering assignments in trust, for the benefit of creditors," passed April 6, 1859, passed and took effect March 6, 1861, and to repeal section 11 of said act, (S. & S., 398, 399.)

H. B. No. 864—Mr. Myers—For the relief of Henry Depler, treasurer of Perry towhship, Ashland county, Ohio.

H. B. No. 865—Mr. Sheets—To amend section one of an act declaratory of the true intent and meaning of the act entitled "An act to estab-

lish the independent treasury of the State of Ohio," passed April 7, 1863.

H. B. No. 866—Mr. Messer—To limit taxation in certain counties in this State.

H. B. No. 867—Mr. Flaugher—To authorize the Board of Education of the village school district of Higginsport, Brown county, to levy an additional tax of 3 mills, for the purpose of prolonging the schools of said district.

H. B. No. 868—Mr. Breck—To authorize the council of the incorporated village of Brooklyn, Cuyahoga county, State of Ohio, to transfer money from the cemetery fund to the corporation fund.

H. B. No. 869—Mr. Blake—To authorize the trustees of Garrettsville township, Portage county, Ohio, to levy a tax for certain purposes therein named.

Attest: WM. LEONARD, *Clerk.*

Mr. Knox submitted the following report:

The committee of conference, appointed to consider the matters of difference between the two Houses on S. B. No. 140, (Mr. Swan) recommend as follows:

1st, That the Senate concur in the first and third House amendments.

2d, That the two Houses agree to the following as a substitute for the second House amendment:

"SECTION 9. That the said Board of Trustees shall fix the compensation for the faculty of said institution, and in fixing the same, shall make such part thereof as may be just and reasonable, contingent upon the average attendance of pupils during the current year."

3d, That the two Houses agree to the following as a substitute for the fourth House amendment:

"SECTION 10. That this act shall take effect and be in force from and after its passage."

THOS. A. COWGILL, GEO. L. CONVERSE,
House Committee.

SAMUEL KNOX, W. R. WARNOCK,
E. C. LEWIS,
Senate Committee.

The question being on concurring in said report, the yeas and nays were taken, and resulted—yeas 19, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—19.

Those who voted in the negative were—

Messrs. Andrews. Ault, Kerr, Miller, Reese and Williams—6.

So the report was concurred in.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has agreed to the report of the committee of conference in matters of difference between the two Houses on—

S. B. No. 140—Mr. Swan—To regulate the Ohio Agricultural and Mechanical College, and to repeal certain acts therein named.

Attest: WM. LEONARD, *Clerk.*

The hour of 10½ o'clock A. M. having arrived, the Senate resolved itself into a committee of the whole for the further consideration of H. B. No. 664.

After some time spent in the consideration of said bill, the committee rose, reported progress, and asked leave to sit again at 3 o'clock P. M.

Which was agreed to.

On motion of Mr. Brown of Lucas, the Senate took a recess.

THREE O'CLOCK, P. M.

In pursuance of a previous order of the Senate, it resolved itself into a committee of the whole for the further consideration of H. B. No. 664.

After some time spent in the consideration of said bill, the committee rose, and Mr. Burns submitted the following report:

The committee of the whole Senate, to whom was referred H. B. No. 664—Making appropriations for the fiscal year 1877, and the first quarter of the fiscal year 1878, having had the same under consideration, report it back with the following amendments:

1st, In section 1, line 55, insert: "Three thousand dollars to complete the removal of obstructions in what is known as the Providence slack water, on the Miami canal."

2d, In same section, line 51, strike out the word "eight," and insert "eleven," in lieu thereof.

3d, In same section, lines 100 and 101, strike out "twelve hundred," and insert "two thousand."

4th, In same section, after line 105, add: "For extra labor during the years 1875 and 1876, two hundred dollars."

5th, In section two, after line 120, insert: "For contingent expenses, relating to proposed constitutional amendments, two hundred dollars."

6th, In section 2, line 139, strike out "twelve," and insert "eighteen;" also at the end of line 139, add the following: "*Provided*, That it shall be the duty of the Probate Judge of Lucas county to transfer such boys as may be now, or hereafter shall be, in the Toledo House of Refuge, supported by the State, to the Reform School, at Lancaster, as rapidly as they can be received at the institution; and when this appropriation shall be expended, no further contract shall be made with the city of Toledo, in pursuance of joint resolution, passed April 8, 1876—Providing for filling the Toledo House of Refuge and Correction from commitments from the State at large.

The amendments were ordered to be considered seriatim.

The question being on agreeing to 1st amendment, the yeas and nays were demanded, taken, and resulted—yeas 15, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Curtiss, Ellis, Haines, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Rukenbrod, Spangler, Stickney, Swan and Williams—15.

Those who voted in the negative were—

Messrs. Beatty, Brown of Ross, Burrows, Kent, Stanton and Warnock —6.

So the amendment was agreed to.

On demand of Mr. Andrews, a call of the Senate was had.

Twenty-three Senators answered to their names.

Messrs. Ault, Bates, Brown of Lucas, Burress, Hudson, Johnston, Kessler,Miller, Monahan, Philson Reese, Sheridan and Stokes were absent —13.

All further proceedings under the call were dispensed with.

Amendments 2, 3, 4, 5 and 6, were agreed to.

The bill was ordered to be engrossed and readthe third time Wednesday at 3 o'clock p. m., and made the special order for that hour.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives acceds to the request of the Senate, for a committee of conference on matters of difference between the two Houses on—

H. B. No. 586—Mr. Davies—Prescribing the rate of taxation for county, bridge, road and township purposes, and to repeal certain acts therein named.

The Speaker has appointed Messrs. Davies, Cowgill and Eylar on the part of the House, as such committee.

Attest: WM. LEONARD, *Clerk.*

Messrs. Philson, Haines and Rukenbrod were appointed as members of such committee, on part of the Senate.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 877—Mr. Converse—To authorize the incorporated village of Monroeville, in Huron county, Ohio, to borrow money for the purchase of a fire engine and apparatus, construction of cisterns and erection of an engine house.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 351—Mr. Lewis—To require the township trustees of Fairfield township, in the county of Tuscarawas, to open a certain county road through said township.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolutions in which the concurrence of the Senate is requested:

H. J. R. No. 108—Mr. Grove—Concerning the water power of the Mercer county reservoir.

H. J. R. No. 111—Mr. Howland—Fixing the day for sine die adjournment.

Attest: WM. LEONARD, *Clerk.*

H. J. R. No. 108 was referred to the committee on Public Works.
H. J. R. No. 111 was referred to the committee on Finance.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 841—Mr. Hart—To authorize the city of Mt. Vernon, Ohio, to levy a special tax to purchase machinery.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

Mr. Swan submitted the following report:

The joint committee on Enrollment, have examined, and found correctly enrolled, the following bills:

H. B. No. 735—To locate a special school district in the township of Greenwich, Huron county, Ohio.

H. B. No. 726—To authorize the Commissioners of Darke county to levy a tax to pay off an existing indebtedness on the fair grounds of said county.

H. B. No. 693—To amend section 30, of an act entitled "An act for opening and regulating roads and highways," passed January 27, 1853, (Swan & Critchfield, 1296), as amended March 4, 1865, (Swan & Sayler, volume 62, page 35).

H. B. No. 704—To create two separate election precincts in Flushing township, Belmont county.

H. B. No. 754—To amend an act entitled "An act to authorize trustees of townships to appropriate lands for cemetery purposes," passed and took effect April 3, 1867, (Swan & Sayler, page 912).

H. B. No. 496—To provide for the equalization of the valuation of bank shares for taxation, and to repeal an act therein named.

ASA TOBEREN, T. P. BROWN,
C. J. SWAN, J. W. WASHBURN,
H. V. KERR, THOS. S. LUCCOCK.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 735—Mr. Bogardus—To locate a special school district in the townships of Greenwich and Ripley, Huron county, Ohio.

H. B. No. 726—Mr. Hostetter—To authorize the County Commissioners of Darke county to levy a tax to pay off an existing indebtedness of the Darke county agricultural society.

H. B. No. 704—Mr. Cleaver—To create two separate election precincts in Flushing township, Belmont county.

H. B. No. 754—Mr. Bundy—To amend an act entitled "An act to authorize trustees of townships to appropriate lands for cemetery purposes," passed and took effect April 3, 1867, (S. & S., page 912).

H. B. No. 693—Mr. Sellards—To amend section 30 of an act entitled "An act for opening and regulating roads and highways," passed Jan-

uary 27, 1853, (S. & C., 1296), as amended March 4, 1865, (S. & S., 692, vol. 62, p. 35).

H. B. No. 496—Mr. Sherrick—To provide for the equalization of bank shares for taxation, and to repeal an act therein named.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

S. B. No. 95—Mr. Bates—Authorizing the organization of common carrier companies.

S. B. No. 368—Mr. Hudson—To authorize the common council of Oak Harbor to borrow money.

S. B. No. 378—Mr. Burress—Supplementary to an act entitled "An act to provide for the appointment of Trustees, and disposition of moneys, property and assets, held in trust for building soldiers' monuments," and also, supplementary to an act entitled "An act supplementary to an act to provide for the apportionment of trustees, and disposition of money, property and assets held in trust for building soldiers' monuments," (68 O. L. 122, and 72 O. L. 60).

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills.

A message was received from the Governor, transmitting a communication from Charles M. Crowell, Governor of the State of Michigan; also, a copy of a joint resolution adopted by the Legislature of that State, in reference to making a Harbor of Refuge at Grand Marais, Lake Superior, and inviting attention to the same.

Which was referred to the committee on Federal Relations.

Mr. Schenck submitted the following report:

The standing committee on revision has examined and found correctly engrossed, S. Bs. Nos. 342, 400, 399, 130, 325, 403; H. Bs. Nos. 852, 750, 628, 853.

J. C. SCHENCK,
JAS. W. OWENS,
H. V. KERR.

H. B. No. 853—Relating to certain proposed amendments to the constitution and the publication thereof.

Was read the third time.

Mr. Stanton moved that the bill be referred to a select committee of one with instructions to amend as follows:

In section 5, line 2, strike out the word "eighty" and insert the word "sixty."

Mr. Knox moved to amend the instructions as follows:

Strike out "sixty" in line thereof and insert "seventy."

The question being on agreeing to the amendment the yeas and nays were demanded, taken, and resulted, yeas 14, nays 8, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Curtiss, Ellis, Haines, Kerr, Knox, Lewis, Rukenbrod, Schenck, Sheridan, Stickney, Swan, Warnock and Williams—14.

Those who voted in the negative were—

Messrs. Brown of Ross. Burns, Burrows, Kent, Kleinschmidt, Ransom, Spangler and Stanton—8.

So the amendment to the amendment was agreed to.

So the instructions as amended were agreed to.

Mr. Stanton was appointed such select committee.

Mr. Stanton, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 853, with instructions to amend, reports the same back amended as instructed.

R. Stanton.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 19, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Burns, Curtiss, Ellis, Haines, Kent, Kerr, Kleinschmidt, Knox, Lewis, Owens, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Swan Warncok and Williams—19.

So the bill passed. The title was agreed to.

Mr. Lewis submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bill:

S. B. No 387—For the relief of Katy Ann Urick and others.

E. C. Lewis, Thos. S. Luccock,
T. P. Brown, H. V. Kerr,
C. J. Swan.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives, has, in presence of the House, signed the following bill:

S. B. No. 387—Mr. Lewis—For the relief of Katy Ann Urich and others.

Attest: Wm. Leonard, *Clerk.*

The President, in presence of the Senate, signed said bill.

The following bill was introduced, on leave, and read the first time:

S. B. No. 408—Mr. Schenck—To authorize the Commissioners of Cuyahoga county to borrow money on the bonds of the county to discharge the existing liabilities of said county.

Mr. Warnock, on leave, submitted the following report:

The standing committee on Common Schools to whom was referred H. B. No. 816—To authorize the creation of a special school district in Rush township, Champaign county, Ohio—having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

In section 3, line 8, strike out the words "sub-district number three," and insert the words "Woodstock special school district."

At the end of section 3 add the words "number three."

W. R. Warnock, E. T. Stickney,
E. P. Ransom, Samuel Knox,
Jas. W. Owens.

The amendments were agreed to and ordered to be engrossed at the Clerk's desk.

The bill was ordered to be read the third time.

The bill was read the first time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Ross, Burrows, Curtiss, Ellis, Haines, Kent, Kerr, Kleinschmidt, Knox, Lewis, Owens, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Swan, Warnock and Williams—21.

So the bill passed. The title was agreed to.

Mr. Swan, on leave, submitted the following report:

The standing committee on State Buildings, to whom was referred H. J. R. No. 110—Providing for the sale of old furniture and carpets now in possession of the Adjutant General and belonging to the State—having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

At the end of line 7 insert the words "and that he keep a true and accurate account of the items so sold, to whom, and for what price."

Also, at the end of line 9 add the following:

"And that he report the amount of said sales to the State in his annual report next thereafter."

SAMUEL KNOX,
C. J. SWAN,
EDWARD P. RANSOM.

The amendments were agreed to and ordered to be engrossed.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 19, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Burns, Burrows, Curtiss, Ellis, Haines, Kleinschmidt, Knox, Lewis, Owens, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Swan, Warnock and Williams—19.

So the resolution was adopted.

Mr. Stickney, on leave, submitted the following report:

The standing committee on Common Schools to whom was referred S. B. No. 369—To create a special school district in sub-school distict No. 4, of Marion township, Mercer county, Ohio—having had the same under consideration, report it back, and recommend its passage.

E. T. STICKNEY, E. P. RANSOM,
JAMES W. OWENS, S. S. BURROWS,
WM. SHERIDAN, JR.

The bill was ordered to be engrossed at the Clerk's desk and read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Kent, Kerr, Kleinschmidt, Knox, Owens, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Swan, Warnock and Williams—21.

So the bill passed. The title was agreed to.

S. B. No. 281—To enable the township and incorporated village of Malta to purchase a site for and build a town hall.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 20, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Ross, Burrows, Curtiss, Ellis, Haines, Kent, Kerr, Kleinschmidt, Knox, Owens, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Swan, Warnock and Williams—20.

So the bill passed. The title was agreed to.

S. B. No. 403—To authorize the City Council of Newark and the County Commissioners to unite in building a sewer in said city, and to provide the necessary funds therefor.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 20, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Kerr, Kleinschmidt, Knox, Owens, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Swan, Warnock and Williams—20.

So the bill passed. The title was agreed to.

Mr. Stickney, on leave, submitted the following report:

The standing committee on Common School,, to whom was referred H. B. No. 685—To create a special school district in school districts No.'s 6 and 7, in Norwich township, Franklin county, Ohio, and school districts No.'s 4 and 5, in Brown township in said county, and school district No. 2, in Prairie township, in said county—having had the same under consideration, report it back and recommend its passage.

E. T. Stickney, E. P. Ransom,
Jas. W. Owens, S. S. Burrows,
Wm. Sheridan, Jr.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 20, nays none, as follows:

Those who voted in the affirmative were.

Messrs. Andrews, Burns, Burrows, Curtiss, Ellis, Haines, Kent, Kerr, Kleinschmidt, Knox, Owens, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Swan, Warnock and Williams—20.

So the bill passed. The title was agreed to.

Mr. Burrows, on leave, submitted the following report:

The standing committee on Medical Colleges, to whom was referred S. B. No. 402—To amend sections 1, 2 and 3, and add sections 4, 5, 6 and 7 to "An act to protect the citizens of Ohio from empiricism and elevate the standing of the medical profession," passed May 5, and took effect October 1, 1868 (62 Vol. statutes 146)—having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

1st. In section 1, line 9, strike out the word "sick."

2d. In section 2, line 12, strike out all after the word "resignation" and insert the following: "And said appointments shall represent not more than three of the leading, so-called, different schools of medicine having

chartered medical colleges in this State by having at least one representative medical man of the so-called different schools of medicine appointed upon said Board."

3d—In section 3, at the commencement of line 17, add "Section 4," and in subsequent sections, after the word "section," strike out the figures "4, 5, 6, 7," and insert in lieu thereof the figures "5, 6, 7, 8," in the order hereby designated, and insert in the title, after the word "seven," the word "eight."

4th—At the end of section 3, add the following: "And to furnish parchment scrolls of suitable design, with the seal of the State attached, upon which shall be written or printed, the form of said certificate, leaving blank for applicants name, to be granted to successful candidates who may come before said board; and he shall keep a register of all candidates to whom certificates shall have been granted."

5th—In section 4, at commencement of line 3, add the word "of."

6th—In section 4, line 13, after the word "board," insert the words "including the President or Vice-President thereof."

7th—In section 5, line 6, after the word "not," insert the following, "and all applicants to whom certificates may be granted, shall pay an additional fee of two dollars on receipt of the same, or on notice that said certificate is waiting their order."

8th—In section 6, line 3, after the words "United States," insert the following, "or for any practicing physician of any other State or country, locating in this State for the purpose of practicing his profession;" and in line 4, same section, after the word "student" insert the following, "or practicing physician from other States or countries."

9th—In section 5, lines 9, 10 and 11, strike out all after the word "thereof," in line 9, to beginning of line 12.

10th—In line 14, section 6, insert after the word "offense," the following, "to be paid into the school fund of the State."

S. S. Burrows, E. C. Lewis,
E. F. Kleinschmidt, W. Sheridan, Jr.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time Wednesday.

Bills were read the second time and referred as follows:

S. B. No. 404—Supplementary to an act to provide for the better regulation of railroad companies, and to protect the rights of minority stockholders, passed April 30, 1869, (Ohio Laws, 66, page 77).

To the committee on Railroads and Telegraphs.

S. B. No. 405—To authorize the Commissioners of Meigs county, Ohio, to levy a tax for improving the road leading from the city of Pomeroy to the village of Racine, in said county.

To the committee on Roads and Highways.

S. B. No. 407—To amend section 313 of the code of civil procedure, as amended March 23, 1875.

To the committee on Judiciary.

H. B. No. 768—To secure pay to persons performing labor or furnishing materials in constructing turnpike or improved roads.

To the committee on Judiciary.

H. B. No. 810—Relating to dower and the mode of fixing the value in money of dower estates.

To the committee on Judiciary.

H. B. No. 746—Supplementary to an act entitled "An act for the incorporation of townships," passed March 16, 1853.

To the committee on Corporations other than Municipal.

H. B. No. 639—For the better security of head contractors, sub-contractors, and material men, and to repeal certain acts therein named.

To the committee on Judiciary.

H. B. No. 831—Vesting the police commissioners with certain powers and duties of a board of health in cities of the second-class having a population of more than 31,000 and less than 35,000 at the last Federal census, and not having a board of health.

To the committee on Sanitary Laws and Regulations.

H. B. No. 764—To repeal an act entitled an act to incorporate school district No. 1, in York and Clinton townships, Fulton county, (Ohio Laws, volume 49, page 571).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 20, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Kent, Kleinschmidt, Knox, Lewis, Owens, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Swan, Warnock and Williams—20.

The bill passed. The title was agreed to.

H. B. No. 828—To authorize the town council of the incorporated village of Dennison, Tuscarawas county, to levy a tax to build a mayor's office.

Was read the third time.

Mr. Burns moved that the bill be laid upon the table.

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Kent, Kerr, Kleinschmidt, Knox, Lewis, Owens, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Swan, Warnock and Williams—22.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 871—Mr. Breck—To amend section 11 of the act entitled "An act relating to jurors, passed April 26, 1873, (volume 70, Ohio Laws, page 167), as amended March 9, 1876, (Ohio Laws, volume 73, page 20).

H. B. No. 870—Mr. McLain—Making partial appropriations for the year 1877.

H. B. No. 872—Mr. Tryon—To authorize the council of the incorporated village of Willoughby to issue bonds and borrow money to pay indebtedness, and for the purpose of completing the macadamizing of Erie street in said village.

H. B. No. 873—Mr. Toberen—For the relief of J. D. Phillips, treasurer of Hicksville special school district.

H. B. No. 874—Mr. Seifert—To authorize the city council of the city of Lancaster, Ohio, to issue bonds to fund its indebtedness.

H. B. No. 875—Finance Committee—Relating to the Lincoln and soldiers memorial monument.

H. B. No. 876—Mr. Hitchcock, from the committee on Codification and Revision of the Statutes—To consolidate, revise and amend the statutes relating to jails and the penitentiary, to be known as "Part 2, Title 3, Jails and Penitentiary."

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 848—Mr. Carothers—To amend section one of an act entitled "An act to authorize the Board of County Commissioners of Delaware county to levy a tax for the purpose of building a county jail in said county," passed and took effect March 14, A. D. 1877.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 871—Mr. McLain—Making partial appropriations for the year 1877.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 315—Mr. Rukenbrod—To divide the township of Perry, county of Columbiana, into two election precincts.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has concurred in the passage of—

S. B. No. 341—Mr. Haines of Carroll—To amend section eighteen of "An act relating to roads and highways," passed March 9, 1868, (O. L., vol. 65, p. 19).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 691—Mr. Converse—To authorize the Commissioners of Franklin county to levy a tax for making a turnpike road from High street, in the city of Columbus, along Green Lawn avenue road, as established, to the terminus of said road in the old Chillicothe road.

H. B. No. 795—Mr. Flaugher—To authorize the Commissioners of Brown county to levy an additional tax for the payment of county expenses.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 819—Mr. Thresher—Supplementary to an act entitled "An act to provide for and regulate street railroad companies," passed April 10, 1861, (S. & S., p. 134).

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 799—Mr. Bowen—To provide for the abandonment of a certain portion of the Hocking canal, laying between the first lock below, and east of Nelsonville, and the village of Chauncey, Athens county, Ohio.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 802—Joint Committee on Ashtabula Bridge Investigation—To secure greater safety to public travel over bridges.

H. B. No. 849—Mr. Cleaver—To create two separate election precincts in Kirkwood township, Belmont county.

H. B. No. 793—Mr. Krimmel—To authorize the Commissioners of

Pickaway county, Ohio, to repair or rebuild the bridge across Deer creek, at Williamsport, in said county.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 808—Mr. Ullery—To amend section fifty-one of the act passed May 7, 1869, entitled "An act to provide for the organization and government of Municipal Corporations," (66 v., 149), section 491 of the same act, as amended April 18, 1870, (67 v., 78); and section 493 of the said original act.

H. B. No. 756—Mr. Breck—To authorize the Council of the incorporated village of Berea, Cuyahoga county, State of Ohio, to transfer money from the general fund to the road fund, and for other purposes.

H. B. No. 837—Mr. Barrett—Authorizing the creation of an additional sub-school district in Beaver creek township, Greene county.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

On motion of Mr. Knox, the Senate adjourned until 8:30 o'clock A. M. to-morrow.

Attest: J. C. DONALDSON, *Clerk.*

FRIDAY, APRIL 13, 1877—8½ o'clock, A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

Mr. Owens submitted the following report:

The standing committee on Common Schools to whom was referred H. B. No. 426—To authorize the creation of a special school district in Goodhope township, Hocking county, Ohio, having had the same under consideration, report it back, and recommend its passage.

JAMES W. OWENS, E. T. STICKNEY,
SAMUEL KNOX, S. S. BURROWS,
WM. SHERIDAN, JR.

The bill was ordered to be engrossed and read the third time on Wednesday next.

Mr. Owens submitted the following report:

The standing committee on Judiciary, to whom was referred—

H. B. No. 766—To amend, revise and consolidate the Statutes relating to criminal procedure, and to repeal certain acts, having had the same under consideration, report it back and recommend its passage.

J. H. BATES, C. J. SWAN,
W. R. WARNOCK, A. M. BURNS,
JAMES W. OWENS.

The bill was ordered to be read the third time Thursday.

Leave of absence was granted Mr. Swan for one week, ending Friday, April 19th.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives insists on its amendments to—

S. B. No. 190—Mr. Haines of Preble—To amend sections 534 and 536 of an act to establish a code of civil procedure, passed March 11, 1853, (S. & C., pages 1112, 1115,) and asks for a committee of conference.

Attest: WM. LEONARD, *Clerk.*

The request of the House was acceded to.

Messrs. Andrews, Burrows and Owens were appointed members of such committee on the part of the Senate.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives requests the return of—

H. J. R. No. 108—Mr. Grove—Relating to the Mercer county reservoir.

Attest: WM. LEONARD, *Clerk.*

Said resolution was referred to the committee on Public Works, and the committee discharged.

The request of the House of Representatives was acceded to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 769—Mr. Sellards—To authorize the creation of a special school district in Harrison township, Scioto county, Ohio.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

On motion of Mr. Andrews, S. J. R. No. 82, was taken from the table, and placed on the calendar for further consideration Wednesday.

H. B. No. 795—To authorize the Commissioners of Brown county to levy an additional tax for the payment of county expenses, was read the second time and referred to the committee on Finance.

On motion of Mr. Knox, the Senate adjourned, and stands adjourned until 3 o'clock P. M. Tuesday.

Attest: J. C. DONALDSON, *Clerk.*

TUESDAY, APRIL 17, 1877—3 o'clock P. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

The following bill was introduced, on leave, and read the first time:

S. B. No. 409—Mr. Schenck—To authorize the Board of Water

Works Trustees of the village of West Cleveland, Ohio, to issue bonds to the amount of eight thousand dollars.

Mr. Bates presented the petition of C. M. Holloway and 366 other citizens of Cincinnati, Hamilton county, remonstrating against the passage of a bill authorizing the construction of a pier bridge over the Ohio river.

Which was referred to a select committee of four—the Senators from Hamilton county.

Mr. Ransom presented the remonstrance of Underwriters, steamboatmen and others of Hamilton county, against the construction of a certain pier bridge.

Which was referred to a select committee of four—the Senators from Hamilton county.

Bills were read the second time and referred as follows:

H. B. No. 877—To authorize the incorporated village of Monroeville, in Huron county, Ohio, to borrow money for the purchase of a fire engine and apparatus, construction of cisterns and the erection of an engine house.

To the committee on Municipal Corporations.

H. B. No. 841—To authorize the city of Mount Vernon, Ohio, to levy a special tax to equip certain railroad shops in said city.

To the committee on Municipal Corporations.

H. B. No. 848—To amend section 1 of an act entitled an act to authorize the Board of County Commissioners of Delaware county, to levy a tax for the purpose of building a county jail in said county, passed and took effect March 14, 1877.

To the committee on Finance.

H. B. No. 871—Making partial appropriations for the year 1877.

To the committee on Finance.

H. B. No. 691—To authorize the Commissioners of Franklin county to levy a tax for making a turnpike road from High street, in the city of Columbus, along Green Lawn avenue road, as established, to the terminus of said road in the old Chillicothe road.

To the committee on Finance.

H. B. No. 819—Supplementary to an act entitled an act to provide for and regulate street railroad companies, passed April 10, 1861, (S. & S. p. 134.)

To the Committee on Railroads and Telegraphs.

H. B. No. 799—To provide for the abandonment of a certain portion of the Hocking canal, lying between the first lock below and east of Nelsonville and the village of Chauncy, Athens county, Ohio.

To the committee on Public Works.

H. B. No. 802—To secure greater safety for public travel over bridges.

To the committee on Railroads and Telegraphs.

H. B. No. 849—To create two separate election precincts in Kirkwood township, Belmont county.

To the committee on Privileges and Elections.

H. B. No. 793—To authorize the Commissioners of Pickaway county, Ohio, to repair or rebuild the bridge across Deer creek, at Williamsport, in said county.

To the committee on Roads and Highways.

H. B. No. 808—To amend section 51 of the act passed May 7, 1869, entitled an act to provide for the organization and government of Municipal Corporations, (66 volume 149,) section 491 of same act, as amended

April, 18, 1870, (67 volume 78,) and section 493 of the said original act.

To the committee on Municipal Corporations.

H. B. No. 756—To authorize the Council of the incorporated village of Berea, Cuyahoga county, State of Ohio, to transfer money from the general fund to the road fund, and for other purposes.

To the committee on Municipal Corporations.

H. B. No. 837—Authorizing the creation of an additional sub-school district in Beaver Creek township, Greene county.

To the committee on Common Schools.

H. B. No. 769—To authorize the creation of a special school district in Harrison township, Scioto county, Ohio.

To the committee on Common Schools.

On motion of Mr. Ransom the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

WEDNESDAY, APRIL 18, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. E. R. Jones.

The Journal was read and approved.

Mr. Knox, on leave, submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 871—Making partial appropriations for the year 1877—having had the same under consideration, report it back and recommend its passage.

SAMUEL KNOX, H. W. CURTISS,
JNO. H. HUDSON, ELIAS ELLIS,
R. STANTON.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Ransom, Schenck, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—29.

So the bill passed. The title was agreed to.

Mr. Brown of Lucas, submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills:

H. B. No. 560—To create a Special School District in Sycamore township, Hamilton county, Ohio.

H. B. No. 715—To authorize the creation of a Special School District in Jefferson township, Guernsey county, Ohio.

H. B. No. 672—Supplementary to "An act to provide for the settlement of the estates of deceased persons," passed March 23, 1840.

H. B. No. 705—To amend sections one, two and three of an act entitled "An act requiring township assessors to ascertain the number of sheep killed and injured by dogs," (S. & C., page 87).

H. B. No. 538—To provide for the relief of the estate of Stephen Mills.

H. B. No. 557—To inquire into the causes of, and the means of prevention and cure of diseased animals.

H. B. No. 725—To provide for the straightening, clearing, widening and deepening, and otherwise improving Stillwater ditch and creek; also, its tributaries, in Darke county, Ohio.

H. B. No. 788—To amend section twenty of an act entitled "An act for the assessment and taxation of property in this State, and for levying taxes thereon according to its true value in money," passed April 5, 1859, (S. & C., p. 1447).

H. B. No. 752—Authorizing the Board of Education of Genoa Special School District in Ottawa county, to levy a tax to pay a judgment.

J. W. Washburn, Asa Toberen,
T. P. Brown, H. V. Kerr,
E. C. Lewis.

Bills were read the second time and referred as follows:

S. B. No. 408—To authorize the Commissioners of Cuyahoga county to borrow money on the bonds of the county to discharge the existing liabilities of said county.

To a select committee of two—Messrs. Schenck and Curtiss.

S. B. No. 409—To authorize the Board of Water Works Trustees of the village of West Cleveland, Ohio, to issue bonds to the amount of eight thousand dollars.

To the committee on Municipal Corporations.

H. B. No. 716—To amend an act entitled "An act supplementary to an act entitled an act regulating the mode of administering assignments in trust for the benefit of creditors," passed April 6, 1859; passed March 31, 1876, (O. L., vol. 73, page 101).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Schenck, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—29.

So the bill passed. The title was agreed to.

H. B. No. 665—To provide for the cleaning of sewers, catch basins, avenues, streets, alleys, market places, wharves, etc., in cities of the first class, having a population of more than one hundred and fifty thousand at the last federal census.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Lewis, Owens, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—28.

So the bill passed. The title was agreed to.

H. B. No. 554—Supplementary to the "Act for the establishment, support, and regulation of Children's Homes in the several counties, and Children's Home Districts in this State, and to repeal certain acts

therein named," passed March 22, 1876, (Ohio Laws, volume 73, page 64).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Miller, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stokes, Warnock and Williams—27.

So the bill passed. The title was agreed to.

H. B. No. 777—To amend section fifty-six of an act entitled an act for the reorganization of common schools, passed and took effect May 1, 1873, Ohio Laws, volume 70, page 211).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 26, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Burress, Curtiss, Ellis, Haines, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Owens, Philson, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—26.

Mr. Miller voted in the negative—1.

The bill passed. The title was agreed to.

H. B. No. 425—To authorize the Auditor of Washington county to refund taxes erroneously paid by F. Boye—was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Owens, Philson, Ransom, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—28.

So the bill passed. The title was agreed to.

H. B. No. 594—To authorize the Commissioners of Scioto county to purchase toll road and levy tax to pay for same.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Curtiss, Ellis, Haines, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Monahan, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Warnock and Williams—25.

So the bill passed. The title was agreed to.

S. B. No. 373—To amend section ten of "An act for opening and regulating roads and highways," passed January 27, 1853, (Swan & Critchfield, page 1293).

Was read the third time and laid on the table.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed S. B. No. 402 and H. B. No. 664.

Wm. W. Beatty,
J. C. Schenck,
H. V. Kerr.

H. B. No. 698—Authorizing County Commissioners to offer a reward for the detection of horse thieves.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 24, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Burress, Curtiss, Haines, Hudson, Johnston, Kerr, Kleinschmidt, Knox, Monahan, Owens, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—24.

Those who voted in the negative were—

Messrs. Brown of Lucas, Brown of Ross, Burrows, Ellis and Kessler—5.

So the bill passed. The title was agreed to.

H. B. No. 690—For the relief of Thomas Gilpin.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 23, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Curtiss, Ellis, Haines, Hudson, Kerr, Kessler, Kleinschmidt, Knox, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stickney, Stokes and Williams—23.

Mr. Johnston voted in the negative—1.

So the bill passed. The title was agreed to.

S. B. No. 323—To amend section fifty-three of the code of civil procedure, (Swan & Critchfield, page 960).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Schenck, Sheridan, Spangler, Stickney, Warnock and Williams—29.

So the bill passed. The title was agreed to.

H. B. No. 750—To authorize the Board of Public Works to construct a culvert under the Hocking Valley canal, near Lancaster, Fairfield county.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Owens, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes and Williams—25.

So the bill passed. The title was agreed to.

S. B. No. 399—To authorize the incorporated village of Clifton, Hamilton county, to issue bonds and levy a tax for the purpose of buying water pipes.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Ross, Burress, Burrows, Curtiss, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—26.

So the bill passed. The title was agreed to.

H. B. No. 641—To amend section one of an act supplementary to an act to provide for the division of townships into election precincts, passed March 14, 1853, passed April 12, 1858, (Swan & Critchfield, page 1575).

Was read the third time and laid on the table.

H. B. No. 628—Prescribing the fees of county Auditors and to repeal certain acts therein named.

Was read the third time.

Mr. Rukenbrod moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section 9, line 3, strike out the word "thirty" and insert in lieu thereof the word "twenty-five."

Which was agreed to.

Mr. Rukenbrod was appointed such select committee.

Mr. Rukenbrod, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 628, with instructions to amend, reports the same back amended as instructed.

J. K. Rukenbrod.

Mr. Johnston moved that the bill be referred to a select committee of one, with instructions to amend as follows:

At the close of section 7 add the following: "And for making the report of the County Commissioners to the Court of Common Pleas required by law to be made, for each one hundred words contained in said report, counting three figures for one word, ten cents."

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Haines, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—29.

So the bill passed. The title was agreed to.

On motion of Mr. Burrows the Senate took a recess.

THREE O'CLOCK P. M.

Mr. Rukenbrod submitted the following report:

The standing committee on Soldiers' and Sailors' Orphans' Home, to whom was referred the message of the Governor appointing Ralph P. Buckland of Sandusky county, to be Trustee of the Soldiers' and Sailors' Orphans' Home, at Xenia for the term of five years, having had the same under consideration, report it back and recommend that the Senate advise and consent to said appointment.

J. K. Rukenbrod, A. Spangler,
Elias Ellis, A. M. Burns,
J. B. Williams, R. E. Reese,
A. L. Brown.

The question being on advising and consenting to said appointment, the yeas and nays were taken, and resulted, yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Stokes and Warnock—27.

So the Senate advised and consented to said appointment.

Mr. Philson submitted the following report:

The committee of conference, to whom was referred the matter of difference between the two Houses, on H. B. No. 583, having had the same under consideration, make the following recommendations:

1st. That the House concur in the first and third of Senate amendments.

2d. That the Senate recede from its second amendment.

ALBAN DAVIES,
THOS. A. COWGILL,
J. W. EYLAR.
House Committee.

J. R. PHILSON,
J. K. RUKENBROD,
A. R. HAINES.
Senate Committee.

The question being on concurring in said report, the yeas and nays were taken and resulted—yeas 24, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Burress, Curtiss, Haines, Hudson, Johnston, Kessler, Kleinschmidt. Knox, Lewis, Miller, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Spangler, Stickney, Stokes and Warnock—24.

Those who voted in the negative were—

Messrs. Brown of Ross, Burrows and Stanton—3.

So the report was concurred in.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 354—Mr. Stanton—To create a special school district in certain territory in York township, Morgan county, Bearfield township, Perry county, with the following amendments, in which the concurrence of the Senate is requested:

Add at the end of section 1, as follows: "Provided that a majority of the electors residing within said territory shall vote in favor of said special school district at an election, written or printed notices of which, signed by six resident electors of said sub-school district, shall have been posted at least ten days in three of the most public places in said territorry, notifying the qualified electors thereof to assemble on a day and at an hour and place designated in said notice, then and there to vote for or against the creation of said special school district.

"SEC. 2. The electors assembled at the time and place designated in

said notices shall appoint a chairman and two clerks, who shall act as judges of said election, which shall continue at least three hours, and shall not close before five o'clock in the afternoon; and the ballots used shall have written or printed thereon the words, 'For special school district' or 'Against special school district,' and the majority of the ballots so cast shall determine whether or not said special school district shall be created.

"SEC. 3. Should a majority of the ballots at said election be found in favor of said special school district, then said electors shall proceed to elect three members of the Board of Education, one for one year, one for two years, and one for three years, and until their successors are elected and qualified.

"SEC. 4. This act shall take effect and be in force from and after its passage."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken, and resulted yeas none, nays 24, as follows:

Those who voted in the negative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Haines, Hudson, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Reese, Rukenbrod, Spangler, Stanton, Stickney, Stokes and Warnock—24.

So the Senate refused to concur in said amendments.

A message was ordered to be sent to the House of Representatives, asking for a committee of conference on matters of difference between the two Houses on said bill.

Messrs. Stanton, Rukenbrod and Owens were appointed members of such committee on part of the Senate.

H. B. No. 664—Making appropriations for the fiscal year 1877, and the first quarter oft he fiscal year 1878—the special order for this hour, was taken up for further consideration.

Said bill was read the third time.

Mr. Knox moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section 1 strike out all of lines 25 and 26 and the words of line 27 up to and including the word "counties," and insert the following: "For expenses incurred on account of militia called into service by the Governor on requisition of the Sheriffs of Stark and Wayne counties, and by the Sheriffs of Stark, Wayne and Summit counties and the Mayor of the incorporated village of Niles, Trumbull county, to aid the civil authories in suppressing threatened violence and supporting the laws."

Which was agreed to.

Mr. Knox was appointed as such select committee.

Mr. Knox, on leave, submitted the following report:

The select committee of one, to whom was referred amended H. B. No. 664, with instructions to amend, reports the same back amended as instructed.

SAMUEL KNOX.

Mr. Burress moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Immediately after the paragraph entitled "Board of Public Works" insert the following: "To assist the Commissioners of Shelby county,

Ohio, in building a bridge across the Laramie Reservoir between sections 32 and 33 in said county $1,000, to be expended under the supervision of the Board of Public Works."

Which was agreed to.

Mr. Burress was appointed such select committee:

Mr. Burress, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 664, with instructions to amend, reports the same back amended as instructed.

N. P. Burress.

Mr. Knox moved that the bill be referred to a select committee of one with instructions to amend as follows:

In section 2, line 19, strike out the word "seventy" and insert the word "forty."

Which was agreed to.

Mr. Knox was appointed such select committee.

Mr. Knox, on leave, submitted the following report:

The select committee of one, to whom was referred amended H. B. No. 664, with instructions to amend, reports the same back amended as instructed.

Samuel Knox.

Mr. Beatty moved that the bill be referred to a select committee of one, with instructions to amend as follows:

At the end of line 63, section 1, add the following:

"For the purpose of cleaning out and improving the Miami river, between the embankment of the Lewistown Reservoir and Quincy, in Logan county, Ohio, $10,000.

For the payment of damages to owners of lands adjacent to the Lewistown Reservoir, caused by back water, and destruction of drainage, $5,000; said improvement of the Miami river to be made by and under the direction of the Commissioners of Logan county, and for the purpose of ascertaining the value of said work, they are hereby empowered to employ a competent engineer, and no money shall be paid only on estimates of labor performed, and the said Commissioners shall proceed to obtain easments from the owener or owners of lands that is so damaged; and for work done on the Miami river, and for the payment of damage to such lands, the Commissioners shall certify the amounts to be paid to each party, and all such certificates shall be countersigned by the engineer making such estimates, and it is hereby made the duty of the Auditor of State, upon the receipt of such certificates to draw his warrant on the Treasurer of State for the amounts so found due, payable out of the proper appropriation."

Mr. Andrews moved to amend said proposed amendment by adding the following:

"Provided, that no certificates of payments shall be made by County Commissioners for damages aforesaid, until after a judgment shall have been obtained against the State in the Court of Common Pleas of Miami county; in which court the claimants are hereby authorized to bring suit against the State; and it shall be the duty of the Attorney-General to appear in all such suits and defend on behalf of the State, and service made of the pendency of said suits on the Attorney-General, shall be sufficient service on the part of the State."

Which was agreed to.

The question being on the reference of said bill to a select committee of one, the yeas and nays were demanded, taken, and resulted—yeas 20, nays 8, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Burress, Curtiss, Ellis, Haines, Kerr, Kessler, Knox, Lewis, Ransom, Rukenbrod, Sheridan, Stickney, Stokes, Warnock and Williams—20.

Those who voted in the negative were—

Messrs. Bates, Burrows, Johnston, Kleinschmidt, Owens, Philson, Spangler and Stanton—8.

So the motion was agreed to.

Mr. Beatty was appointed such select committee.

Mr. Beatty, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 664, with instructions to amend, reports the same back amended as instructed.

WM. W. BEATTY.

Mr. Johnston moved that the bill be referred to a select committee of one with instructions to amend as follows:

At the close of line 32, of section 1, add the following:

"Four hundred dollars of which shall be paid to the Youngstown Light Artillery, for the purpose of repairing and rebuilding the armory at Youngstown, Ohio."

Which was agreed to.

Mr. Johnston was appointed such select committee.

Mr. Johnston, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 644, with instructions to amend, reports the same back amended as instructed.

J. R. JOHNSTON.

Mr. Brown of Lucas moved that the bill be referred to a select committee of one, with instructions to amend as follows:

After the word "large," in the amendment added to the end of line 139, section 2, add "but no boys in said Toledo House of Refuge shall be withdrawn before the first day of February, 1878."

On motion of Mr. Knox, the further consideration of said bill was postponed until 10½ o'clock a. m. to-morrow, and made the special order for that hour.

The following bills were introduced, on leave, and read the first time:

S. B. No. 410—Mr. Burns—To authorize the trustees of Jefferson township, Richland county, Ohio, to join with the council of the incorporated village of Bellville in the construction of a town hall for the joint use of said township and village.

S. B. No. 411—Mr. Johnston—To authorize the trustees of Canfield township, Mahoning county, Ohio, to issue bonds for the purpose of repairing buildings, purchasing sites, and erecting buildings thereon, and otherwise contributing to the establishment and support of a normal school in said towship.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in the passage of—

S. B. No. 390—Mr. Bates—For the further protection of cemeteries in the State of Ohio.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives requests the return of—

S. B. No. 390—Mr. Bates—For the further protection of cemeteries in the State of Ohio.

Attest: WM. LEONARD, *Clerk.*

The request of the House of Representatives was acceded, and a message was sent to that body, returning said bill.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 595—Mr. Wiltsee—To authorize the Board of County Commissioners of Hamilton county, to extend Mitchel avenue under the Miami and Erie Canal, and to levy a tax to defray the expense thereof.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

The following bill was introduced, on leave, and read the first time:

S. B. No. 412—Mr. Monahan—To authorize the authorities of the city of Portsmouth to purchase certain territory and buildings thereon for certain purposes, and to issue bonds to pay for the same.

Mr. Schenck, on leave, offered the following resolution, which was laid on the table, under notice of intention to discuss, given by Mr. Andrews.

S. R. No. 102—*Resolved*, That when the Senate adjourns upon any day hereafter, without any other time being determined upon, it shall be until the hour of 9 o'clock a. m. of the next legislation day.

Messrs, Johnston and Monahan asked and were granted leave to record their votes on the adoption of S. J. R. No. 43.

Their names being called, they voted in the affirmative.

The following bill was introduced, on leave, and read the first time:

S. B. No. 413—Mr. Monahan—Providing for stay of execution on judgments.

H. B. No. 682 was taken from the table and referred to the committee on Municipal Corporations.

Mr. Brown of Ross submitted the following report:

The standing committee on Roads and Highways, to whom was referred S. B. No. 405—To authorize the Commissioners of Meigs county, Ohio, to levy a tax for improving a road leading from the city of Pomeroy to the village of Racine, in said county—having had the same under consideration, report it back and recommend its passage.

A. L. BROWN, J. B. WILLIAMS,
A. SPANGLER, J. R. JOHNSTON,
WM. SHERIDAN, JR.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Kessler submitted the following report:

The select committee of four, to whom was referred S. B. No. 377—Creating a salary commission in cities of the first-class, to equalize and fix the salaries of clerks and employes in the various boards and departments of such cities—report it back and recommend its passage.

H. KESSLER, E. P. RANSOM,
E. F. KLEINSCHMIDT, J. H. BATES.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Schenck submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 683—Regarding the maintenance and repair of streets, alleys, etc., in cities of the first-class, having a population of more than 90,000 and less than 150,000 inhabitants at the last Federal census—having had the same under consideration, report it back and recommend its passage.

J. C. SCHENCK, R. E. REESE,
A. M. BURNS, WM. MILLER,
T. P. BROWN, JAMES W. OWENS,
H. KESSLER.

The bill was ordered to be read the third time to-morrow.

On motion of Mr. Knox, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

THURSDAY, APRIL 19, 1877.

The Senate met pursuant to adjournment.

Prayer by Rev. E. R. Jones.

The Journal was read and approved.

Mr. Ransom presented the petition of Hall's Safe and Lock Co. and over 700 other citizens of Cincinnati, in favor of the Covington free bridge across the Ohio river.

Which was referred to a select committee of four—the Senators from Hamilton county.

Mr. Schenck, on leave, submitted the following report:

The select committee of two, to whom was referred—

S. B. No. 408—To authorize the Commissioners of Cuyahoga county to borrow money on the bonds of the county to discharge the existing liabilities of said county, having had the same under consideration, report it back, and recommend its passage.

H. W. CURTISS,
J. C. SCHENCK.

The bill was ordered to be engrossed at the Clerk's desk and read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 30, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Ellis, Haines Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Warnock and Williams —30.

So the bill passed. The title was agreed to.

Mr. Philson presented the petition of H. L. Neal and 204 other citizens of Lawrence county, asking for the passage of H. B. No. 787—To authorize the Commissioners of Lawrence county to build a bridge across Ice creek in said county.

Which was referred to the committee on Finance.

Mr. Miller presented the petition of George M. Parsons and 438 other citizens of Franklin county, asking for the passage of H. B. No. 691—To authorize the commissioners of Franklin county to levy a tax for making a turnpike road from High street, in the city of Columbus, along Green Lawn avenue road as established, to the terminus of said road in the old Chillicothe road.

Which was referred to the committee on Finance.

Mr. Bates presented the petition of Joseph R. Brown and 126 other citizens of Cincinnati, remonstrating against building a pier bridge over the Ohio river.

Which was referred to a select committee of four—the Senators from Hamilton county.

Mr. Bates presented the remonstrance of John Mitchell and sundry other citizens of Cincinnati, remonstrating against building a pier bridge over the Ohio river.

Which was referred to a select committee of four—the Senators from Hamilton county.

Mr. Bates presented the remonstrance of Chas. Asman of Covington, Kentucky, and sundry citizens of Covington remonstrating against the erection of a certain pier bridge.

Which was referred to a select committee of four—the Senators from Hamilton county.

Mr. Burns presented the petition of A. H. Redding and 58 other citizens of Bellville, Richland county, asking for the passage of S. B. No. 410—Authorizing the building of a Town Hall in Bellville.

Which was referred to the committee on Municipal Corporations.

The following bill was introduced, on leave, and read the first time :

S. B. No.. 414—Mr. Andrews----To annex territory to the Bleefler Union School District, in Allen county.

The rule requiring bills to be printed was suspended.

The bill was ordered to be read the second time to-morrow.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 538—Mr. Stryker—To provide for the relief of the estate of Stephen Mills.

H. B. No. 557—Mr. Barrett—For the prevention and cure of diseased animals.

H. B. No. 560—Mr. Wiltsee—To create a special school district in Sycamore township, Hamilton county, Ohio.

H. B. No. 672—Mr. Scheble—Supplementary to an act to provide for the settlement of the estates of deceased persons, passed March 23, 1840.

H. B. No. 705—Mr. Barrett—To amend sections 1, 2 and 3 of an act entitled an act requiring Township Assessors to ascertain the number of sheep killed and injured by dogs. (S. & C., page 87.)

H. B. No. 715—Mr. Luccock—To authorize the creation of a special school district in Jefferson township, Guernsey county, Ohio.

Attest: WM. LEONARD, *Clerk.*

The President, in the presence of the Senate, signed said bills.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 874—Mr. Seifert—To authorize the City Council of the city of Lancaster, Ohio, to issue bonds to fund its indebtedness.

H. B. No. 827—Mr. Quinby—To authorize the Village Council of Clarksville, Clinton county, Ohio, to levy a tax for the relief of G. W. Garrison and Ezekiel Cast.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

Mr. Reese moved that the constitutional rule requiring bills to be read on three different days be dispensed with, and H. B. No. 874 be read the second time.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 34, nays 0, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—34.

So the rule was dispensed with.

The bill was read the second time, and referred to the committee on Municipal Corporations.

H. B. No. 595—To authorize the Board of County Commissioners of Hamilton county to extend Mitchel avenue under the Miami and Erie canal, and to levy a tax to defray the expenses thereof.

Was read the second time and referred to a select committee of four—the Senators from Hamilton county.

H. B. No. 664—Making appropriations for the fiscal year 1877, and the first quarter of 1878, the special order for this hour, was taken up for further consideration.

The question being on the motion by Mr. Brown of Lucas, to refer said bill to a select committee of one, with instructions to amend, the yeas and nays were taken, and resulted—yeas 24, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Burns, Burress, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Klein-

33—S. J.

schmidt, Lewis, Owens, Ransom, Reese, Schenck, Sheridan, Stickney, Stokes and Warnock—24.

Those who voted in the negative were----

Messrs. Brown of Ross, Burrows, Knox, Philson, Rukenbrod, Spangler, and Stanton—7.

So the motion was agreed to.

Mr. Brown of Lucas, was appointed such select committee.

Mr. Brown of Lucas, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 664, with instructions to amend, reports the same back amended as instructed.

T. P. Brown.

Mr. Stanton moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section 1, strike out line 94, and insert, "for contingent expenses eighteen hundred dollars."

Which was agreed to.

Mr. Stanton was appointed such select committee.

Mr. Stanton, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 664, with instructions to amend, reports the same back amended as instructed.

R. Stanton.

Mr. Knox moved that the bill be referred to a select committee of one with instructions to amend as follows:

In section one, fill the blanks in lines 179 and 180 with the words "five thousand."

On motion of Mr. Knox the Senate took a recess until 2½ P. M.

TWO AND A HALF O'CLOCK. P. M.

The motion of Mr. Knox to refer the bill to a select a committee of one was agreed to.

Mr. Knox was appointed such select committee.

Mr. Knox, on leave, submitted the following report:

The select committee of one to whom was referred Amended H. B. No. 664, with instructions to amend, reports the same back amended as instructed.

Samuel Knox.

Mr. Knox moved that the bill be referred to a select committee of one with instructions to amend as follows:

After line 82, section 2, insert "for the purchase of the three acres of land north of the Asylum building twenty-five thousand and one dollars."

Mr. Burrows moved to amend the instructions by striking out the words "and one."

Which was disagreed to.

The question being on the motion to refer said bill with instructions, the yeas and nays were demanded, taken, and resulted—yeas, 10, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Burress, Curtiss, Hudson, Knox, Lewis, Ransom, Rukenbrod, Schenck and Stickney—10.

Those who voted in the negative were—

Messrs. Ault, Beatty, Brown of Ross, Burns, Burrows, Ellis, Haines,

Johnston, Kent, Kerr, Kessler, Kleinschmidt, Miller, Monahan, Spangler, Stanton, Stokes, Warnock and Williams—19.

So the motion was disagreed to.

Mr. Stanton moved that the bill be referred to a select committee of one with instructions to amend as follows:

After line 177, section one, insert: "For grading and graveling Ohio and Champion avenues through the State's land in the city of Columbus, when performed to the satisfaction of the Adjutant-General, five hundred dollars.

Which was agreed to.

Mr. Stanton was appointed such select committee.

Mr. Stanton, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 664, with instructions to amend, reports the same back amended as instructed.

R. STANTON.

Mr, Monahan moved that the bill be referred to a select committee of one with instructions to amend as follows:

After line 136 insert: "For opening up and constructing a direct passway from the Senate Chamber to the Representative Hall, five hundred dollars.

Which was agreed to.

Mr. Monahan was appointed such select committee.

Mr. Monahan, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 664, with instructions to amend, reports the same back amended as instructed.

I. T. MONAHAN.

Mr. Miller moved that the bill be referred to a select committee of one with instructions to amend as follows:

In section one, line 23, strike out "nine hundred" and insert "four hundred and fifty."

Which was disagreed to.

Mr. Andrews moved that the bill be referred to a select committee of one with instructions to amend as follows:

Insert at the end of line 216, section one, the following: *Provided*, that all papers, maps, plats, manuscripts and diagrams pertaining to the State Geological Survey, be, by Prof. Newberry, turned over to the Secretary of State on or before the 1st day of November, A. D. 1877, to be by him kept in his office, subject to the order of the General Assembly.

Which was agreed to.

Mr. Andrews was appointed such select committee.

Mr. Andrews, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 664, with instructions to amend, reports the same back amended as instructed.

GEO. W. ANDREWS.

Mr. Monahan moved that the bill be referred to a select committee of one with instructions to amend as follows: After line 162 insert—for painting portrait of Governor Thomas L. Young, five hundred dollars.

On which motion the yeas and nays were demanded, taken and resulted—yeas 20, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Ross, Burress, Burrows, Ellis, Haines,

Hudson, Kent, Kerr, Lewis, Monahan, Owens, Reese, Rukenbrod, Sheridan, Spangler, Stickney, Stokes and Williams—20.

Those who voted in the negative were—

Messrs. Bates, Burns, Curtiss, Kleinschmidt, Knox, Philson and Stanton—7.

So the motion was agreed to.

Mr. Monahan was appointed such select committee.

Mr. Monahan, on, leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 664, with instructions to amend, reports the same back amended as instructed.

I. T. Monahan.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 34, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—34.

So the bill passed. The title was agreed to.

The following communication was received from the Governor:

MESSAGE FROM THE GOVERNOR.

STATE OF OHIO, EXECUTIVE DEPARTMENT.

Columbus, 19th day of April, 1877.

To the Senate:

I have the honor to nominate, and by and with the advice and consent of the Senate, appoint Benjamin F. Martin, of Franklin county, to be trustee of the Institution for the Education of the Blind, for the term of three years, *vice* Thomas Bergin, term expired.

Very Respectfully, Thos. L. Young, *Governor.*

Referred to the committee on Benevolent Institutions.

MESSAGE FROM THE GOVERNOR.

THE STATE OF OHIO, EXECUTIVE DEPARTMENT,

Columbus, 18th day of April, 1877.

To the General Assembly:

I have the honor to transmit herewith a communication and accompanying documents from Hon. R. P. Lewe, late Chief-Justice of the State of Iowa, in reference to obtaining from Congress the payment of five per centum on that portion of the public lands which has been taken up by Military Land Warrants, and respectfully request your attention thereto, and that some action be taken to secure the interest of Ohio in relation thereto. There being but one copy of the same, it is sent to the Senate.

Very Respectfully, Thos. L. Young, *Governor.*

Referred to the committee on Federal Relations.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 307—Mr. Rukenbrod—To regulate the speed of railroad locomotives and cars within the corporate limits of any city, town or village.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in the passage of—

S. B. No. 294—Mr. Brown of Ross—To amend an act entitled "An act to amend an act fixing the rate of interest," passed January 12, 1824, passed February 18, 1848, (S. & C., p. 744).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in the passage of—

S. B. No. 251—Mr. Owens—To punish the practice of resorting to distant courts to oppress citizens of Ohio and deprive them of their rights under the statutes of Ohio.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 92—Committee on Penitentiary—Providing for the care and treatment of insane convicts.

Attest: WM. LEONARD, *Clerk.*

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Spangler, Stickney, Stokes, Warnock and Williams—27.

So the resolution was adopted.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in the passage of—

S. B. No. 268—Mr. Spangler—To amend section twenty-eight of an act entitled "An act to amend section twenty-eight of an act relating to

roads and highways," passed March 9, 1868, (S. & S., p. 668), as amended April 11, 1876, (O. L., vol. 73, p. 185).

Attest: WM. LEONARD, *Clerk.*

Mr. Brown of Lucas submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled the following bill:

H. B. No. 586—Prescribing the rate of taxation for county, bridge, road and township purposes, and to repeal certain acts therein named.

J. W. WASHBURN, THOS. S. LUCCOCK.
T. P. BROWN, C. J. SWAN,
E. C. LEWIS.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker *pro tempore* of the House of Representatives has, in the presence of the House, signed the following bill:

H. B. No. 586—Mr. Davies—Prescribing the rate of taxation for county, bridge, road and township purposes, and to repeal certain acts therein named.

Attest: WM. LEONARD, *Clerk.*

The President, in the presence of the Senate, signed said bill.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 728—Mr. Duncan—Supplementary and amendatory of the act entitled "An act to amend sections 2, 4 and 24 of an act entitled 'an act to preserve the purity of elections.' "

H. B. No. 763—Mr. Holloway—To amend section 1, of an act entitled "An act providing for the erection of new buildings at the Ohio penitentiary, and making partial appropriations for said institution for the year 1875," passed February 4, 1875, (Ohio Laws, volume 72, page 26).

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives requests the return of—

H. B. No. 832—Mr. Converse—To more effectually prevent fraud in the canvassing of votes and making election returns.

Attest: WM. LEONARD, *Clerk.*

The request of the House of Representatives was acceded to; a message was sent to that body returning said bill.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 878—Mr. Hodge—Supplementary to an act entitled "An act to amend sections 66, 67 and 70 of the act entitled 'an act to provide for the creation and regulation of incorporated companies in the State of Ohio,'" passed May 1, 1852, (Swan and Critchfield's stat., 305), and to repeal a certain act amendatory thereto, passed January 26, 1865, (Ohio Laws, volume 62, page 4); (Swan and Sayler, page 239).

H. B. No. 879—Mr. Brunner—To more effectually protect the lives of railroad passengers.

H. B. No. 880—Mr. Hodge—To amend section 71 of an act for the reorganization and maintenance of common schools.

H. B. No. 881—Mr. Quinby—To fix the compensation of members and officers of the General Assembly, and to repeal certain acts therein named.

H. B. No. 822—Mr. Perkins—To authorize the Trustees of Hinckley township, Medina county, Ohio, to pay certain costs.

H. B. No. 883—Mr. Wales—For the relief of Hiram W. Donley, Treasurer of Turtlecreek township, Warren county, Ohio.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 884—Mr. Eylar—To prevent erection of toll gates within one mile of any unincorporated village of one hundred and fifty inhabitants.

H. B. No. 885—Mr. Thresher—To provide for official reports of the proceedings of the General Assembly.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 886—Mr. Richards—To amend section 87 of an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869, (O. L., vol. 66, page 164).

H. B. No. 887—Mr. Krimmel—To authorize the Commissioners of Pickaway county, Ohio, to use from the bridge fund of said county, any sum not exceeding three thousand dollars for road purposes therein.

H. B. No. 888—Mr. McLain—To create a special school district in Bristol township, Trumbull county.

H. B. No. 889—Mr. Millikan—To provide for the publication of legal advertisements.

H. B. No. 890—Mr. Garwood—To authorize the council of the in-

corporated village of Marysville, Union county, Ohio, to purchase or condemn ground for cemetery, and to levy a tax, issue bonds and borrow money to pay therefor.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bill has been introduced in the House of Representatives and read the first time:

H. B. No. 891—Finance Committee—For enlarging the gas works at the Asylum for Idiotic Youth.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 381—Mr. Ault—To authorize the trustees of Slankerville church union, in the township of Chippewa, in the county of Wayne, to sell the real estate belonging to said church union.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 809—Mr. Blake—To authorize the trustees of Shattersville township, Portage county, to levy a tax for certain purposes mentioned therein.

H. B. No. 832—Mr. Converse—To more effectually prevent fraud in the canvassing of votes and making election returns.

H. B. No. 608—Mr. Holloway—To amend an act entitled an act to regulate the Ohio Soldiers' and Sailors' Orphans' Home, located at Xenia, and to repeal certain acts therein named, passed March 14, 1876, (Ohio Laws, volume 73, page 26).

H. B. No. 790—Mr. Flaugher—Supplementary to an act entitled an act to authorize the County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named, passed March 29, 1867, and the acts amendatory thereof.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 231—Mr. Bates—To authorize free banking, with the fol-

lowing amendments, in which the concurrence of the Senate is requested:

In section 2, line 13, after "and" strike out "shall be," and insert "transmitted to the Secretary of State, who shall record and carefully preserve the same in his office, a copy thereof, duly certified, shall be by him returned to, and."

Strike out of same section in lines 16, 17 and 18, all after "same," down to and including "thereof," and insert "copies of said record."

Strike from section 18, lines 17 and 18.

Strike from section 22, line 11, "five" and insert "one."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken, and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Kent, Kerr, Kleinschmidt, Knox, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes and Williams—24.

So the amendments were concurred in.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has acceded to the repuest of the Senate for a committee of conference on matters of difference between the two Houses on—

S. B. No. 354—Mr. Stanton—To create a special school district of certain territory in York township, Morgan county, and Bearfield township, Perry county.

The Speaker has appointed Messrs. Blake, Cory and Baker of Perry, as members of said committee on part of the House.

Attest: WM. LEONARD, *Clerk.*

Mr. Lewis submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills:

H. B. No. 846—To authorize the incorporated village of Ada, Hardin county, Ohio, to issue bonds and sell the same to pay a judgment of Martha Claflin and costs, interest and other expenses in and about her suit for damages against said village, and to provide for the payment of such bonds and the interest thereon.

H. B. No. 441—To enable the trustees of the church of the United Brethren in Christ in Green township, Hocking county, State of Ohio, to sell and convey certain real estate.

H. B. No. 622—To extend the time of paying the assessments upon the Rome and Mineral Springs free turnpike road, and to provide for a refunding of such bonds issued for the construction thereof as may be due and outstanding on the 20th day of June, 1877.

H. B. No. 566—Supplementary to an act entitled "An act to provide for the straightening, cleaning out, widening, deepening and otherwise improving certain ditches, drains and water courses, in Wood county, Ohio," passed April 11, 1876.

H. B. No. 871—Making partial appropriations for the year 1877.

ASA TOBEREN, S. W. WASHBURN,
H. V. KERR, T. P. BROWN,
E. C. LEWIS.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 752—Mr. Cole—Authorizing the Board of Education of Genoa special school district, in Ottowa county, to levy a tax to pay a judgment.

H. B. No. 788—Mr. Tryon—To amend section twenty of an act entitled "An act for the assessment and taxation of property in this State, and for the levying taxes thereon according to its true value in money," passed April 5, 1859, (S. & C., page 1447).

H. B. No. 622—Mr. Eylar—To extend the time of paying the assessments upon the Rome and Mineral Springs free turnpike road, and to provide for the refunding of such bonds issued for the construction thereof as may be due and outstanding on the 20th day of June, 1877.

H. B. No. 725—Mr. Hostetter—To provide for the straightening, clearing out, widening, deepening, and otherwise improving Stillwater ditch and creek, also, its tributaries in Darke county, Ohio.

H. B. No. 846—Mr. Haley—To authorize the incorporated village of Ada, Hardin county, Ohio, to issue bonds and sell the same to pay the judgment of Martha Claflin, and costs, interest and other expenses in and about her suit for damages against said village, and to provide for the payment of such bonds and the interest thereon.

H. B. No. 441—Mr. Bowen—To enable the trustees of the Church of United Brethren in Christ, in Green township, Hocking county, Ohio, to sell and convey certain real estate.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills:

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 566—Mr. Sage—Supplementary to an act entitled "An act to provide for the straightening, clearing out, widening, deepening and otherwise improving certain ditches, drains and water courses, in Wood county, Ohio," passed April 11, 1876.

H. B. No. 871—Mr. McLain—Making partial appropriations for the year 1877.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills:

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 521—Mr. Wiltsee—For the relief of ex-overseers of the poor in certain cities of the first class.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 892—Mr. Faxon—To authorize the trustees and Board of Education of Columbiana township, Lorain county, Ohio, to levy a tax to build a school house and town hall.

H. B. No. 893—Mr. Boyce –To authorize the building of a town hall in the village of East Liverpool, Columbiana county.

H. B. No. 894—Mr. Hodge—Amending an act entitled "An act prescribing the fees of county treasurers," passed February 8, 1877.

H. B. No. 895—Mr. Goebel—To amend section 1 of an act entitled "An act to prohibit county recorders from taking acknowledgments of written instruments in certain cases.

H. B. No. 896—Mr. Garwood—To authorize the council of the incorporated village of Marysville, Union county, Ohio, to levy a tax to build a town hall.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. J. R. No. 110—Mr. Zumstein—Providing for the sale of old furniture, carpet, etc.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 757—Mr. Wales—For the relief of William Van Doren, treasurer of Washington township, Warren county.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 774—Mr. Richards—Amendatory of and supplementary to an act to create a special school district in Mentor township, Lake county, Ohio (O. L. Vol. 73, p. 297).

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 390—Mr. Bates—For the further protection of cemeteries in the State of Ohio.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has acceded to the request of the Senate for a committee of conference on matters of difference between the two Houses on—

S. B. No. 190—Mr. Haines of Preble—To amend section 534 and 536 of an act to establish a code of civil procedure, passed March 11, 1853 (S. & C., pp. 1112 and 1115).

The Speaker has appointed as members of such committee on the part of the House Messrs. Thresher, Duncan and Hoagland.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the Senate amendments to the following bills—

H. B. No. 554—Mr. Hodge—Supplementary to the act for the establishment, support and regulation of Children's homes in the several counties and children's home districts in this States, and to repeal certain acts therein named, passed March 22, 1876 (O. L., Vol. 73, p. 64).

H. B. No. 716—Mr. Thresher—To amend an act entitled an act supplementary to an act entitled an act regulating the mode of administering assignments in trust for the benefit of creditors, passed April 6, 1859, passed March 31, 1876 (O. L., Vol. 73, p. 101).

H. B. No. 750—Mr. Seifert—To authorize the Board of Public Works to construct a culvert under the Hocking Valley canal, near Lancaster, Fairfield county.

H. B. No. 816—Mr. Cowgill—To authorize the creation of a special school district in Rush township, Champaign county, Ohio.

H. B. No. 628—Mr. Oglevee—Prescribing the fees of County Auditors.

Attest: WM. LEONARD, *Clerk.*

On motion of Mr. Hudson, S. B. No. 382—To authorize narrow gauge railroad companies to issue bonds, was taken from the table.

Mr. Hudson moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In line 3, after the word "incorporated insert the words "and organized under the laws of the State," and in the same line strike out the word "contemplating" and insert "and have authorized."

Which was agreed to.

Mr. Hudson was appointed such select committee.

Mr. Hudson, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 382, with instructions to amend, reports the same back amended as instructed.

J. H. Hudson.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Brown of Ross, Curtiss, Ellis, Haines, Hudson, Johnston, Kerr, Kleinschmidt, Knox, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck ,Sheridan, Spangler, Stickney, Stokes, Warnock and Williams—27.

So the bill passed. The title was agreed to.

Mr. Brown of Ross, on leave, submitted the following report:

The standing committee on Municipal Corporations to whom was referred S. B. No. 406—Supplementary to an act to authorize the incorporation of boards of trade and chambers of commerce, having had the same under consideration, report it back and recommend its passage.

A. M. Burns, H. Kessler,
T. P. Brown, Jas. W. Owens,
J. C. Schenck, R. E. Reese.

The bill was ordered to be engrossed at the Clerk's desk and read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty. Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kleinschmidt, Knox, Lewis, Owens, Philson, Reese. Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams —30.

So the bill passed. The title was agreed to.

Mr. Rukenbrod, on leave, offered the following joint resolution:

S. J. R. No. 63—*Resolved by the General Assembly of the State of Ohio*, That the Superintendent of Public Printing be directed to have the report of the Secretary of State, authorized by law, bound in muslin.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—30.

So the resolution was adopted.

Mr. Reese, on leave, submitted the following report:

The standing committee on Municipal Corporations, to whom was

referred H. B. No. 874—To authorize the City Council of the city of Lancaster, Ohio, to issue bonds to fund its indebtedness, having had the same under consideration, report it back, and recommend its passage.

R. E. Reese, Jas. W. Owens,
A. M. Burns, T. P. Brown,
H. Kessler, Wm. Miller,
J. C. Schenck.

The bill was ordered to be read the third time to-morrow.

Mr. Warnock, on leave, submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 388—To amend section 70 of an act entitled an act to establish a code of civil procedure, passed March 11, 1853, as amended February 11, 1874, having had the same under consideration, report it back, and recommend its passage.

W. R. Warnock, Geo. W. Andrews,
J. H. Bates, Jas. W. Owens.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Burns submitted the following report:

TSe standing committee on Municipal Corporations, to whom was referred H. B. No. 877—To authorize the incorporated village of Monroeville, in Huron county, Ohio, to borrow money for the purchase of a fire engine and apparatus, construction of cisterns and erection of an engine house, having had the same under consideration, report it back and recommend its passage.

A. M. Burns, T. P. Brown,
Jas. W. Owens, R. E. Reese.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Reese, Schenck, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—29.

So the bill passed. The title was agreed to.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed, S. Bs. Nos. 405 and 377.

Wm. W. Beatty, J. C. Schenck,
H. V. Kerr.

Mr. Warnock submitted the following report:

The standing committee on Corporations other than Municipal to whom was referred H. B. No. 746—Supplementary to an act entitled "An act for the incorporation of townships," passed March 16, 1853—having had the same under consideration, report it back and recommend its passage.

W. R. Warnock, Wm. W. Beatty,
R. E. Reese, J. R. Johnston.

The bill was ordered to be read the third time to-morrow.

Mr. Burns submitted the following report:

The standing committee on Municipal Corporations to whom was referred H. B. No. 798—To authorize the council of municipal corporations to require new bonds to be given by municipal officers in certain cases—having had the same under consideration, report it back, and recommend its passage.

A. M. Burns, R. E. Reese,
J. C. Schenck, T. P. Brown,
James W. Owens.

The bill was ordered to be read the third time to-morrow.

Mr. Warnock, on leave, submitted the following report:

The standing committee on Common Schools, to whom was referred H. B. No. 769—To authorize the creation of a special school district in Harrison township, Scioto county, Ohio—having had the same under consideration, report it back and recommend its passage.

W. R. Warnock, Samuel Knox,
E. T. Stickney, S. S. Burrows,
E. P. Ransom.

The bill was ordered to be read the third time to-morrow.

Mr. Burns, on leave, submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 756—To authorize the council of the incorporated village of Berea, Cuyahoga county, State of Ohio, to transfer money from the general fund to the road fund, and for other purposes—having had the same under consideration, report it back and recommend its passage.

A. M. Burns, T. P. Brown,
J. C Schenck, James W. Owens,
R. E. Reese.

The bill was ordered to be read the third time to-morrow.

Mr. Johnston, on leave, submitted the following report:

The standing committee on Privileges and Elections, to whom was referred H. B. No. 849—To create two separate election precincts in Kirkwood township, Belmont county—having had the same under consideration, report it back and recommend its passage.

J. H. Bates, J. R. Johnston,
R. E. Reese, John Ault,
J. B. Williams.

The bill was ordered to be read the third time to-morrow.

Mr. Philson, on leave, submitted the following report:

The standing committee on Sanitary Laws and Regulations, to whom was referred H. B. No. 831—Vesting the Police Commissioners with certain powers and duties of a Board of Health in cities of the second-class, having a population of more than thirty-one thousand and less than thirty-five thousand at the last federal census, and not having a Board of Health—having had the same under consideration, report it back and recommend its passage.

J. R. Philson, J. C. Schenck,
S. S. Burrows, I. T. Monahan,
Wm. H. Stokes.

The bill was ordered to be read the third time to-morrow.

Mr. Kessler, on leave, submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 682—To authorize the building of a public hall in Milford precinct, of Miami township, Clermont county, Ohio—having had the same under consideration, report it back and recommend its passage.

H. Kessler, J. C. Schenck,
A. M. Burns, T. P. Brown.

The bill was ordered to be read the third time to-morrow.

Mr. Brown of Ross, on leave, submitted the following report:

The standing committee on Roads and Highways, to whom was referred H. B. No. 793—To authorize the Commissioners of Pickaway county, Ohio, to repair or re-build the bridge across Deer creek, at Williamsport, in said county—having had the same under consideration, report it back and recommend its passage.

A. L. Brown, A. Spangler,
A. R. Haines, Wm. Sheridan, Jr.,
J. B. Williams.

The bill was ordered to be read the third time to-morrow.

Mr. Brown of Lucas, on leave, submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 792—To authorize the building of a town hall in the village of Jefferson, in Ashtabula county—having had the same under consideration, report it back and recommend its passage.

A. M. Burns, T. P. Brown,
J. C. Schenck, H. Kessler,
James W. Owens, R. E. Reese.

The bill was ordered to be read the third time to-morrow.

Mr. Owens, on leave, submitted the following report:

The standing committee on Common Schools, to whom was referred H. B. No. 837—Authorizing the creation of an additional sub-school district in Beaver Creek township, Greene county—having had the same under consideration, report it back and recommend its passage.

James W. Owens, W. Sheridan, Jr.,
Samuel Knox, S. S. Burrows,
E. T. Stickney, W. R. Warnock.

The bill was ordered to be read the third time to-morrow.

The following bill was introduced, on leave, and read the first time:

S. B. No. 414—Mr. Kleinschmidt—To create a gas works in the village of Clifton, Hamilton county, Ohio.

Mr. Rukenbrod, on leave, offered the following joint resolution:

S. J. R. No. 64—Whereas, It appears from a communication from the Supervisor of State Printing and Binding, made to this General Assembly at its session for 1876, that there are three thousand copies or setts of the debates of the constitutional convention of the years 1873 and 1874, remaining unbound, quite a proportion of which are now ready for binding, and of the first volume all but one thousand, and of the second volume a part are already bound, and

Whereas, It also appears by said communication that the "volumes unbound are not in a safe condition," and "are exposed to vermin," and that a small amount, comparatively, will be necessary to complete the work, therefore,

Resolved by the General Assembly of the State of Ohio, That the Supervisor of Public Printing and Binding be, and he is hereby directed to have bound the remaining unbound copies of the debates of the constitutional convention of 1873, and 1874 aforesaid, in numbers not exceeding sufficient to complete three thousand setts. Said debates, when so bound, shall be distributed as follows: To each member of said convention, ten copies (two volumes each); and to the members of the Sixty-second General Assembly, seven copies (two volumes each), and the remainder to be deposited in charge of the Secretary of State and disposed of as shall be hereafter determined. Copies for members of the convention and of the Legislature shall be boxed and sent to their order by the Secretary of State under the regulations and provisions requiring the distribution to members of the General Assembly the reports of the Secretary of State.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 23, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Curtiss, Haines, Hudson, Johnston, Kerr, Kleinschmidt, Knox, Lewis, Owens, Philson, Reese, Rukenbrod, Stickney, Stokes, Warnock and Williams—23.

Those who voted in the negative were—

Messrs. Burns, Burrows, Ellis, Spangler and Stanton—5.

So the resolution was adopted.

On motion of Mr. Ault, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk*.

FRIDAY, APRIL 20, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. E. C. Hirst.

The Journal was read and approved.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

Amended S. B. No. 93—Mr. Swan—Relating to ditches—

With the following amendments in which the concurrence of the Senate is requested:

Strike out all after section 1 and insert the following:

SECTION 2. That before the Commissioners shall establish any ditch, there shall be filed with the Auditor of such county, a petition, signed by one or more of the land owners whose lands will be assessed for the expense of the same, setting forth the necessity thereof, with a general description of the proposed starting point, route and terminus, and shall file a bond, payable to the State of Ohio, in such sum as the said Auditor, having in view the length and probable cost of view preliminary to the establishment of such ditch, shall prescribe, with good and sufficient securities, to the acceptance of the Auditor, conditioned to pay all expenses in case the Commissioners shall refuse to establish said ditch;

and that on the filing of such petition and bond, the County Auditor shall fix a time for the meeting of said Commissioners, not less than ten days nor more than thirty days after the filing of such petition, and shall cause five or more notices to be posted in the vicinity of the line of such proposed ditch, and one in the Auditor's office, stating the time and place of the meeting of Commissioners on the line of said proposed ditch, and said Commissioners shall meet at the time and place fixed by the Auditor in the notice, and shall, with the assistance of an Engineer or Surveyor, if need be, determine, by actual view of the premises along the proposed route, and such other other means as they may think best, whether such ditch or improvement is necessary for the public health, convenience or welfare, and the facts so found shall be entered of record; but if they find such ditch is not necessary for the public health, convenience and welfare, they shall dismiss the petition at the cost of the parties giving the bond.

SEC. 3. On the day of the meeting and view, as is required in section two of this act, if the Commissioners shall decide to grant the prayer of the petitioners, they shall, within five days thereafter, make their report of the same to the Auditor, on which report they shall direct the County Surveyor, or a competent Engineer, to go upon the line of the proposed ditch, to survey and level said line, and set a stake or monument at every one hundred feet, numbering the same progressively down stream, estimating what damages will accrue to any infant or insane land owner having no resident guardian, determine the grade, depth and capacity of such ditch or water course. He shall divide said ditch, drain or water course into sections, not less in number than the number of parcels of lands which may be benefited by said ditch, and the length of each section shall bear such a relative proportion to the whole cost of construction of such ditch as, in his opinion, would be a fair per cent., represented according to the number of acres drained or benefited by such ditch of each parcel of land owned by each person interested, and shall make a fair estimate of the costs of construction of each of said sections; and, in locating, taking the levels and measurements of the line, the Engineer shall note its intersections with the boundaries of the lands through which it passes, and take and note sufficient landmarks and benchmarks, from which the level, line and grade can be ascertained; said Engineer shall carefully examine all the lands along the line of said ditch or improvement, and adjacent thereto, which, in his opinion, will be benefited by the construction thereof, fix and determine the per cent. of the total cost, including damages, expenses of construction which should be borne by each of said tracts, and shall, within ten days, or as soon as practicable, after receiving said direction above mentioned, make in writing, and file in the Auditor's office, a full report of his proceedings, including plat, profile, grade, table, schedule of lands benefited, with such other suggestions as he may deem material; and the Auditor shall give notice to persons interested, of so much of the report so filed, as aforementioned, relating to the per cent. of costs of construction, location and expenses, (not including compensation for lands used, or damages), and schedule of lands benefited, with estimated cost of construction apportioned to each tract of land. Said notice shall, within ten days after the filing of the above mentioned report, be served by delivering a copy of the same to each resident land owner mentioned therein, or by leaving said copy at his, her or their place of residence, by any person appointed by the Auditor to serve the same. The time and

manner of serving said notice shall be endorsed on said original notice, under oath, and the Commissioners shall allow the same compensation to the person serving the same, as is allowed to constables in serving subpœnas in civil suits, which shall be taxed in the bill of expenses of said improvement; and a like notice to non-resident land owners, published in some newspaper of general circulation in the county, for two consecutive weeks prior to the day of hearing the report, shall be deemed and held to be a sufficient notice to them. Said notice shall also specify and fix the time and place of the meeting of tne County Commissioners to hear said report so filed by the Engineer, which said time shall not be less than twenty nor more than forty days from the filing of the Engineer's report.

SEC. 4. Any person claiming compensation for lands appropriated, or damages caused by the construction of such ditch, if the same should be established in accordance with the report of said Commissioners, shall make application in writing therefor, and file the same with the Auditor, on or before the day set for the hearing of the report, and such Commissioners shall not be required to assess or award damages or compensation to any person or persons, except minors, idiots or lunatics, in consequence of the construction of said ditch, unless the owner or owners, or their agents, shall have filed a written application therefor, as above specified, giving a description of the premises on which, by them, damages or compensation are claimed, and on failure to make such application, shall be deemed to have waived all right to such compensation or damage.

SEC. 5. Immediately after the filing of the Engineer's report, as provided in section three of this act, the County Auditor shall notify the County Commissioners of the filing thereof, and of the time and place fixed for the hearing of the same; and at the time set for the hearing of said report, the Commissioners shall hear and determine the same, and may make such changes or modifications as may be deemed just, and shall hear such testimony as may be offered by parties interested, decide and award claims for compensation and damages, apportion the same to the lands benefited according to the benefits derived from said ditch, make their apportionment of the per cent. of total costs of said work, including compensation, damages, costs and expenses, to be paid by each tract of land, and shall make ther final order confirming said report, with such changes as may have been made by them; and the Auditor shall issue an order to each person awarded compensation or damages, for the amount so awarded him, and the same to be made payable out of the general county fund, which said amount shall be refunded to the County Treasury immediately upon the collection of the amount of the award so charged against the lands benefited by such ditch as this act provides.

SEC. 6. Any land owner interested, may, on or before the time fixed for the hearing of said report, file with the County Auditor his exceptions thereto, specifying in said exceptions the matters in report to which he specially objects, and on the hearing of said report, the commissioners shall hear testimony that may be offered, as well on behalf of said exceptors as in support of said report.

SEC. 7. It shall be lawful for any person interested in the location of such ditch, to appeal from the proceedings of said Commissioners to the probate court of the county, by filing with the Auditor, within ten days from such decision, an undertaking, with two sufficient sureties, con-

ditioned for the payment of all costs and expenses caused by such appeal, if the decision of said commissioners be sustained, which undertaking must be approved by the Auditor; and thereupon said Auditor shall make and certify a transcript of the proceedings had by and before said Commissioners in the matter of said ditch, and transmit the same, together with the original papers relating thereto, and said undertaking, to the probate court, within ten days from the filing of said undertaking for said appeal.

SEC. 8. It shall be the duty of the Probate Judge, upon the filing of such undertaking, transcript and original papers, as aforesaid in the preceding section, to docket said appeal, entitling the case, the applicant plaintiff, and County Commissioners, together with the principal petitioner and his securities, defendant; and shall fix a time, not less than ten nor more than twenty days from the entering of said appeal, for hearing and determining all preliminary questions pertaining to said case. At the time specified for said hearing, unless for good cause the same shall be continued, the Probate Judge shall hear and determine all questions arising upon the record, and if he find that said proceedings are irregular in substance, or that the appeal has not been perfected according to law, he shall dismiss the appeal at the cost of the applicant, and certify the same to the said Commissioners, and immediately transmit said certificate, together with the original papers and undertaking, to the Auditor.

SEC. 9. If the Probate Judge shall find that the appeal has been properly taken, and that the proceedings have been regular and in conformity to law, he shall proceed to impanel a jury in the case, in the same manner as is provided by law, for the drawing and impaneling of a jury in cases for the condemnation of private property for the use of corporations, in the act entitled "An act amendatory and supplemental to the act passed April 23, 1872, entitled an act prescribing the mode of assessment and collection of compensation to the owners of private property, appropriated by, and to the use of corporations," passed March 23, 1875, (72 O. L., p. 71); and shall issue a venire therefor, directed to the Sheriff of the county, returnable on a day therein named, not exceeding ten days from the date thereof. On the appearance and impaneling of the jury in the manner prescribed by the act above referred to, the Probate Judge shall administer to them an oath to faithfully and impartially view the premises along the route of the proposed ditch, and report their verdict in writing to said Court without delay, whether it will be conducive to the public health, convenience and welfare to establish said ditch, and whether the proposed route thereon is practicable, and the per cent. each land owner should pay for construction of the ditch, which said verdict shall be agreed upon, and signed by all of said jury, and returned in open Court. The Sheriff, or a sworn deputy, shall conduct the said jury to the line of the proposed ditch, and they shall be entitled to the services of the county Surveyor or Engineer who surveyed the same, to point out to them the route on which the same is located, but who shall in no other manner interfere with or attempt to influence said jury in their duties, nor shall the Sheriff permit any other person to accompany said jury, or hold conversation with them in relation to said ditch, while in his charge; *Provided*, that after the view of the premises, and before verdict, either party may offer evidence and be heard in person, or by counsel, before the Probate Court and said jury.

SEC. 10. The said Judge shall make a record of the proceedings had

before him in the case, and if the report and finding of said jury be against the applicant, all the costs of said appeal shall be taxed against said applicant, and execution awarded therefor. The fees of said jury shall be taxed at one dollar and fifty cents per day while so employed, and five cents per mile for the distance necessarily traversed from their place of residence to said Probate Court, and in viewing said ditch; *Provided*, that it shall not be required of said Probate Judge to record in his office any of the original papers received by him from the Auditor, as provided in section five.

SEC. 11. If the jury shall report against the location of such ditch, the costs made before the Commissioners shall be taxed against the county, to be paid out of the general fund of the county, and the Probate Judge shall immediately certify the said report to said Commissioners, and transmit to the Auditor said original papers pertaining to the case, unless further proceedings shall be had in said Court in relation thereto, as hereinafter provided.

SEC. 12. If more than one person appeal from the action of the Commissioners, the Probate Court may order the cases to be consolidated and tried as one action, and in case of the appeal provided for in the foregoing sections, all further proceedings by the Commissioners shall cease until said appeal is decided.

SEC. 13. If any person feel aggrieved by the report of said Commissioners in the award for compensation for lands used or for damages, or the assessment of damages or compensation, they may, within ten days from the making of said report, appeal from the decision of the Commissioners to the Probate Court of the county, by giving an undertaking in any sum, not less than one hundred dollars, payable to the State of Ohio, with good and sufficient securities, to be approved by the Auditor, conditioned to pay all costs of such appeal, if the appellants shall fail to sustain said appeal against the decision of the Commissioners, and such undertaking having been given, the Auditor shall forthwith certify said fact to the Probate Court, and transmit to said Court a transcript of the proceedings had before the Commissioners in relation to the subject matter of said appeal, and the original papers pertaining thereto, including a full and correct description of the property taken or injured, as contained in the report of the Commissioners, which appeal shall be docketed in said Court, styling the appellant plaintiff, and the County Commissioners defendants.

SEC. 14. If appeal is taken on account of damages or compensation allowed by the Commissioners, such proceedings shall be had to determine the amount, as are provided in the preceding sections of this act relating to appeals from the decision of the Commissioners locating said ditch; and, on the rendition of their verdict by the jury, and the confirmation of such verdict by the Court, the Probate Judge shall tax the costs of such appeal, including the compensation of the jury; and if the amount awarded any appellant by such verdict shall exceed the amount awarded him by order of the Commissioners, he shall have judgment against the petitioners for an amount of such costs equal to such excess, and the Probate Judge shall render judgment against him for the residue of said costs; and if said verdict shall not exceed the amount awarded, judgment shall be rendered against said appellant for all the costs of such appeal; and the Probate Judge shall file a transcript of the proceedings had before him, and a copy of the cost bill, with the County Auditor. And when all appeals shall have been completed according to this act, if

any appeal shall have been taken, and all compensation, damages and awards shall have been paid, in the manner provided for in section five of this act, or if no appeals shall have been taken, the Commissioners shall proceed to complete their duty and enforce the completion of such ditch, as is required and provided for by this act; and if any changes have been made by any jury on appeal, in their report and verdict, different from that made by the Commissioners, then the said Commissioners shall enforce the completion of such ditch in compliance with so much of such change as appears by the said verdict, in connection with so much of their own report and order as is not affected by said verdict. No order for the opening or sale of any ditch, or any part thereof, located and established under this act, shall be made until the full amount of compensation for land appropriated, shall have been paid.

SEC. 15. That within five days after the final order of the Commissioners, and all final proceedings made necessary by the preceding sections, the Engineer shall give notice of sale of construction of such ditch, and shall, after giving the said notice thereof for two weeks, in a newspaper of the county, and hand bills posted up in six or more public places in the vicinity of the route of such ditch, water course or improvement, one of which shall be posted up at the Auditor's office, go on the line of the proposed ditch, at such place and time as shall be designated in said notice, and proceed to let, at public outcry, to the lowest responsible bidder, by sections the construction of such ditch, water course or improvement. Said sections shall be the same sections which the Engineer divided and apportioned to the different land owners in proportion to the benefits derived therefrom, as reported by Engineer, according to section three of this act, or which may have been changed or modified by the Commissioners or jury; and the Engineer shall, on the day of such sale or letting, designate and fix the time within which each separate section shall be completed; said time shall be so fixed that the completion of the section at the outlet of such ditch shall first be completed, and so on progressively up the ditch to its commencement, which last section shall have the longest time; and each bidder to whom any section or sections of said work shall be awarded, shall immediately execute his bond in double the amount of the contract value of said work, with sureties, to the acceptance of the county Auditor, conditioned for the construction and completion of the section or sections of said work let to him according to the order of the Commissioners, and to the acceptance of the Engineer, within such period as may be stated in said notice, which shall not be less than twenty nor more than one hundred and twenty days from date of said letting, and the Engineer shall give such contractor a copy of the grade table, showing the depth, surface and bottom width, and other specifications of the work to be done on each section let to him, and on the completion of said work and producing to the county Auditor a certificate to that effect from the Engineer, said Auditor shall issue to him a certificate for the sum due, with legal interest, payable out of the ditch fund of the county, in three equal installments, at the end of six, twelve and eighteen months from the date thereof. But in no case shall the work be let for more than twenty per cent. above the estimated cost of construction, and the Commissioners may extend the time for the completion of such work, not to exceed one hundred and twenty days, if, in their judgment, it would be just, and in no case shall a contractor be prosecuted on his bond, unless all the lower sections shall have been completed in its construction.

SEC. 16. As soon as the construction of any ditch, water course or improvement shall be let, the county Auditor shall immediately make out and deliver to the county Treasurer a special duplicate of the lands benefited by such ditch, water course or improvement, and assess against said lands the amount of the cost of construction of said ditch, water course or improvement, including the damages awarded, and estimated costs and expenses apportioned to each tract, the per centum thereof apportioned to the same by the final order of the Commissioners, and divide such assessments in three equal installments, payable at the times when the installments of State and county taxes are payable, after thirty days from the delivery of said duplicate, and the Treasurer shall collect the same as State and county taxes are collected, and, for the non-payment thereof, the county Treasurer shall proceed to collect such delinquent assessments, as is provided for by an act entitled an act supplementary to an act to amend an act entitled an act supplementary to the several acts relating to the collection of delinquent taxes, passed February 18, 1875, (O. L., vol. 72, p. 37), passed April 8, 1876, (O. L., vol. 73, p. 163), and the said orders from the Auditor shall be received by the Treasurer as money for ditch taxes.

SEC. 17. After the time limited for the completion of any work let pursuant to this act, the Engineer shall examine the same, and if any part thereof remains uncompleted, shall estimate the cost of completing the same, and shall forthwith file with the County Auditor his written report of such examination and estimates; and, unless for good cause, the Commissioners, with the assent of the sureties of the party in default, shall extend the time of completing the same, shall, without delay, at either public or private letting, with or without notices, but subject to the approval of the Commissioners, relet said work so uncompleted, and the party to whom such work is relet, shall give bond, with surety as required in the fifteenth section of this act, within such time as the Engineer shall prescribe, not exceeding forty days from such letting, and the party to whom such work was first let, shall forfeit all compensation for any work by him performed on any section or sections let to him, and with his sureties shall be liable on his bond for all damages, costs and expenses occasioned by his fault.

SEC. 18. When the line or route of any ditch, water course or improvement, sought to be constructed, shall extend into, or drain any lands of two or more counties, the petition and bond shall be filed in the county in which the greatest length of such ditch or water course shall be situate, and all proceedings in relation thereto shall be had in such county, and jurisdiction over the same by the Commissioners, courts and officers of such county, and of all parties and lands affected thereby, as if the whole line and route of such ditch, water course or improvement, and lands affected thereby, were situate in such county. The Engineer may be appointed from any county interested in such ditch, except as may be otherwise provided by this act.

SEC. 19. In such case, copies of the notice required by the second section of this act, shall be filed with the County Auditor of each county in which any part of such ditch, water course or improvement may be situate, or land drained, and at the time of the hearing of such petition, and at the time of hearing the report of the Commissioners, any one or more of the Commissioners of such counties may meet with the Commissioners of the county in which the procedings are had, and, when so met, shall each have the same authority to act and decide, as if they were

severally Commissioners of such county, and the Board were constituted of the whole number of Commissioners present.

SEC. 20. After the disposition of appeals, and the final order of the Commissioners apportioning the costs of construction of such ditch, water course or improvement, the County Auditor, on the letting of such ditch, water course or improvement, shall make out a statement of the total cost, damages and estimated expenses of such ditch, and transmit the same with a schedule of the lands apportioned, and per cent. of such apportionment to each tract to each Auditor of the other counties in which a part of such ditch, water course or improvement is situate, or lands drained, and the Auditor so receiving the same, shall make out and deliver to his County Treasurer, the duplicate of so much of said lands as are situate in his county, or from which lands are drained, as required by the sixteenth section of this act, to be collected as therein required.

SEC. 21. The County Auditor, after each semi-annual settlement with his County Treasurer, shall transmit to each County Auditor of any county in which proceedings were had under this act, affecting lands in his county, a statement of the amount collected, and in the treasury of his county, on account of the ditch, water course or improvement of any such proceeding, and on demand, shall issue his order to the Treasurer of such county in which the proceedings were had for such amount.

SEC. 22. Every County Auditor shall open in his office a book, to be provided for that purpose, at the expense of the county, an account with each ditch, water course or improvement, designating the same by number, name or title by which it can be identified, and in such account shall charge the same with all orders drawn on his County Treasurer on account of the same, and shall credit it with all collections made on behalf thereof.

SEC. 23. Whenever the obligors of any bond taken pursuant to this act, shall fail to perform the conditions thereof, the County Auditor of the county in which said bond was filed, shall, thirty days after such failure, institute a suit against the obligators thereof on such bond, in the name of his county, in the Court of Common Pleas of such county, to recover all damages occasioned by such failure, which court shall have jurisdiction of the defendants, whether they, or either of them, reside within or without said county, and on a recovery against such defendants in such suit, the county shall have judgment against them for costs, whether the sum recovered amounts to one hundred dollars or not. The damages recovered shall, when collected, be paid into the county treasury, and credited to the particular ditch or water course on account of which said bond was taken, if, in such action a recovery is had against the county, the cost shall be paid by the county. If the Commissioners so direct, the suit shall not be instituted.

SEC. 24. After the last semi-annual installment is payable, and the next annual settlement of the County Auditor and Treasurer thereafter has been made in relation to any such ditch, water course or improvement, the Auditors of the counties in which such ditch may be situate shall adjust the accounts relating thereto, if the ditch has been completed and payment for the construction thereof been made, and any balance remains to the credit of such ditch in the Treasury of either of said counties, the same shall be distributed to the several counties in proportion to the original assessment therefor, and orders drawn and paid to effect said distribution accordingly. If a balance remains to the debit

of such ditch, water course or improvement, said Auditors shall proceed to levy, on the lands originally assessed, in proportion to such original assessment, an amount sufficient to defray such balance, but all costs and expenses of such levy and collection thereof shall be paid by the counties interested. The amount so levied shall be placed against said lands on the respective county duplicates, and shall be payable at the time of the first semi-annual payment of State and county taxes payable thereafter, and collected in like manner; after such collection, settlement and distribution shall be had as hereinbefore provided.

SEC. 25. The Engineer or Surveyor of any ditch, water course or improvement, which affects two or more counties, shall, after the final order of the Commissioners, make out and transmit to the Auditor of each county other than the one in which the proceedings are had, a copy of so much of the plat, profile, table, grade, memoranda of land marks and bench marks as exhibits and relates to the same in each of said counties, which shall be carefully labeled and preserved in the office of such Auditor.

SEC. 26. If it shall be found, by actual measurement, that the petitioners, under any proceeding under the nineteenth section of this act, were in error as to the county in which the greatest length of such ditch, water course or improvement is situate, such error shall not affect the validity of the proceeding, unless such error was manifest and notorious, but proceedings shall continue in the county in which they were instituted, as if no error had intervened. If it shall appear at the hearing of the petition that the error is manifest and notorious, the petition may be dismissed; after such hearing, no motion to dismiss shall be entertained.

SEC. 27. Witnesses may be examined before the Board at the hearing of the petition, and at the hearing of the report of the Engineer, at the instance of any party who may be affected by the proceeding, and subpœnas for such witnesses shall be issued by the County Auditor of the county in which the proceedings were had under this act, at the instance of such party, which shall be served and returned as in civil actions. The costs of such witnesses may be, if the Board so order specially, taxed to the party or parties calling the same, or as the general costs of the proceeding.

SEC. 28. Such costs so adjusted and taxed to any party occasioning the same, may, if the Commissioners so direct, be added to and collected with the first installment of the assessment apportioned to his lands, otherwise such costs shall be collected by action, in the name of the county, against the party in such action, which shall be brought by the Auditor of the county in which proceedings were had under this act, before any Justice of the Peace of the county wherein the defendant resides, or may be served with a summons; the certificate of the order of the Commissioners taxing such costs, and of the items and amount composing the same, under the hand of the County Auditor, shall be conclusive evidence of the liability of the defendant.

SEC. 29. No land holder, through whose land any ditch may be constructed, pursuant to the provisions of this act, or any former act, shall permit any drift, timber, logs, brush, crossing timbers, water gaps, or any filling occasioned by the crossing of live stock, to obstruct the free flow of water through such ditch or water course, and if such land holder shall, by negligence or otherwise, suffer or permit such ditch or water course to remain so obstructed for a period of more than thirty days, he

shall be liable, as hereinafter provided, for all costs and expenses of removing such obstructions, and shall, moreover, be liable in a civil action at the suit of any person owning or occupying lands which were assessed for the construction of such ditch, water course or improvement, for all damages sustained by such owner or occupant by reason of such negligence or other act or default; such action may be brought in any court having jurisdiction over the defendant, or where the ditch, water course or improvement so constructed may be situate; in any such action the negligence or other fault of any tenant or occupant of lands shall be deemed and held to be the negligence or other fault of the owner of such lands.

SEC. 30. Any owner of land which has been assessed for the construction of any ditch, water course or improvement under this act, or any former act, which has become obstructed, as set forth in the preceding section, to his injury, may file with the Auditor of the county in which the part of such ditch, water course or improvement so obstructed is situate, his complaint in writing, under oath, setting forth the injury complained of, and the party or parties against whom his complaint is made, and shall forthwith serve the land owner complained against, if resident in said county, or the occupant, if any, of said land, with a copy of said complaint, and the date of filing the same, and within five days thereafter shall make proof of such service or non residence of such land holder to said Auditor, who shall, within ten days from the filing of said complaint, unless satisfied that the matter of said complaint has been adjusted between the parties, issue to a competent engineer his precept, with a copy of the complaint, and the plat, profile and grade table of such ditch, water course or improvement or part thereof, within said county, requiring him to examine said ditch, water course or improvement, touching the matter thereof complained and the truth of such complaint, and to report his findings in the matter, together with a fair and just estimate of the cost and expense of removing such obstruction, the part of such ditch, water course or improvement, and the length of time requisite to make such restoration; such report, findings and estimates, verified by the oath or affirmation of said Engineer, with the plat, profile and table aforesaid, shall be returned to said Auditor within ten days of such precept.

SEC. 31. If, on the return of the Engineer, it shall appear that said complaint has been made without a sufficient cause, the same shall, by said Auditor, be dismissed at the cost of the party making it.

SEC. 32. If, by said return, it shall be found that said complaint was well founded, the Auditor shall, after sufficient time has elapsed for the party complained against to have removed said obstruction, and it shall appear that the same has not been done, he shall direct the Engineer to proceed to sell out the work of removing such obstruction to the lowest responsible bidder, after giving ten days' notice of the time and place of such sale, such notice to be posted in five or more places along the line of said ditch where such obstruction exists. When such sale is made, the Engineer shall take sufficient bond for the performance of said work, and all costs and expenses consequent upon such proceedings provided for in sections 31 and 33 of this act, shall be assessed against the land upon which such obstruction existed, and in case the obligor of the bond shall fail to perform the conditions thereof, the Auditor shall proceea as is required by section 24 of this act.

SEC. 33. When any ditch, water course or improvement, constructed

under the provisions of this or any former act, shall become obstructed, filled up, or in any way reduced below its original capacity, the same may be restored to its original capacity by any land owner whose lands were originally assessed for the construction of said ditch, water course or improvement, by filing his complaint in writing, specifying the grounds of complaint, and also file a bond, the same as is required in section two of this act, conditioned to pay all expenses, in case the Commissioners shall dismiss the complaint, with the Auditor of the county in which said repairs are sought to be made, and the Auditor shall, upon the filing of such complaint, notify the Commissioners thereof, and they shall proceed, with the assistance of an Engineer, to inquire iuto the validity of said complaint, by examining the line of said ditch, water course or improvement, and if the matter complained of is found to exist, and that said ditch, water course or improvement is filled up and impaired over its original capacity, they shall proceed and stake the same off, or that portion sought to be repaired, in sections of one hundred feet, and apportion the cleaning out and restoring the said ditch to its original capacity, to the lands assessed for the original construction of said ditch, in proportion to the benefits derived therefrom, and, in making said apportionment, the Commissioners shall take into consideration any negligence or otherwise on the part of the land owner or tenant in causing or allowing any such ditch to become filled up by unnatural causes, either by stock, such as domestic animals, drive-ways or otherwise, in order to make a just and fair apportionment, specifying the time when the same shall be done; and the Commissioners shall make their report to the Auditor, whose duty it shall be to furnish each person so assessed a notice of the amount assigned him, her or them, the time the same is to be completed, together with a copy of the original grade line, or so much thereof as relates to each individual assessment. At the time specified tor the completion of said work, the Engineer shall proceed and examine the line of said ditch, drain or water course, and determine if the same has been restored to its original capacity. If the Commissioners find that the complaint was not well founded, and that the ditch does not require cleaning out, they shall dismiss the complaint at the cost of the party making the complaint. But if they find the complaint well founded, then, in that case, all costs made up to the conclusion of the examination of the Engineer, as to whether the ditch has been restored to its original capacity above mentioned, shall be paid by the county.

Sec. 34. If there should be any part of said ditch that remains incomplete, the Engineer shall then make his order for the time of letting the same at public outcry, and shall post up written notice in three conspicuous places within the township in which said ditch passes through, and on the day fixed for the letting of the unfinished part of said ditch, drain or water course, if the same has not been completed, shall proceed and sell the same to the lowest bidder, taking his bond, with surety in such amount as he may deem sufficient to pay expenses and damages for neglect of duty, and make his report to the Auditor, whose duty it shall be to assess against the lands the amount of cost of construction and costs incident to selling same, to place the same on tax duplicate to be collected the same as, and at the first installment of, State and county taxes. At the expiration of the time given by the Engineer for completion of said work so let, shall proceed and examine the same, and if done, receive the same, certify to the county Auditor the amount due the contractor, and the Auditor shall issue to the said contractor an order on the

county treasurer for the amount. The costs of Commissioners, Auditor and Engineer, as provided for in this section, shall be paid by the county, and in case the obligor of the said bond shall fail to perform the conditions thereof, the Auditor shall proceed as is required by section twenty-four of this act.

SEC. 35. If the Commissioner, Auditor, Probate Judge, County Surveyor or Engineer shall neglect to perform any of the duties imposed on them by the provisions of this act, or shall willfully and corruptly so perform the same, as to injure any person, or deprive them of any rights given to them by the provisions of this act, they shall, on conviction thereof before any court of competent jurisdiction, forfeit and pay a fine of twenty-five dollars for each offense, to be prosecuted in the name of the State of Ohio, and which shall be for the benefit of the common schools of the county, and shall be held liable for damages sustained by any person in consequence of such neglect.

SEC. 36. If any ditch, located under the provisions of this act, or any former act, is of sufficient capacity to carry off the water that naturally flows into it, together with the proper drainage of the lands taxed for the construction of the same, it shall not be lawful to again tax or assess said land for the benefit and improvement of any lands lying above the lands taxed for the construction thereof; and in all cases where any such ditch shall empty into any lower ditch, above described, for the benefit of lands lying above the lower ditch, it shall be the duty of the Commissioners to levy a sufficient tax on the lands benefited by the new ditch, to enlarge any such lower ditch so as to confine the water to the same level that it oaiginally had before an additional amount of water emptied into such lower ditch, for the benefit of lands lying above said lower ditch.

SEC. 37. When any ditch, established under this act, drains, either in whole or in part, any public or corporate road or railroad, or benefits any of said roads, so that the road bed or traveled track of any such road will be made better by the construction of such ditch, the Commissioners shall apportion to the county, if a county, State or free turnpike road; to the township, if a township road; to the company, if a corporate road or railroad, such portion of the costs and expenses thereof, as to private individuals, and require them to pay such costs and perform said labor in like manner as individuals.

SEC. 38. The provisions of this act shall be applicable to section sixteen, and lands granted in lieu thereof for school purposes, while the same remains township property, and the tiustees of any township owning any such lands, or where the same is situate, may file the petition and bond required by section two of this act.

SEC. 39. If any person shall willfully obstruct any ditch, or shall willfully divert the water from its proper channel, he shall forfeit and pay to the county in which the ditch or water course may be situated, the sum of twenty-five dollars, to be recovered by any Justice of the Peace, or other court having jurisdiction of the matter, in the name of the State of Ohio, for the use of the proper county, and shall moreover be liable for all damages that may accrue to any person by such act.

This act shall be construed to extend to and include the straightening of streams and water courses, to which the same may be applicable, and wherever the word "ditch" occurs in this act, the same shall be understood to embrace any drain or water course, and the word "Engineer" and Surveyor shall be considered synonymous in this act.

SEC. 40. The County Commissioners, at the time set for hearing of a petition for the construction of a ditch, shall, if said proposed ditch is not on the best route to effect the object sought, or if they find the proposed drainage can be effected as well in connection with a ditch necessary for the improvement of public highways already established, or such as may be hereafter required, they shall proceed to so establish the same; and in case said ditch is proposed upon a line or sub-division of sections where a public road may be required, and in all cases where ditches are located along highways, they shall proceed to locate the same at a sufficient distance from the center of such highway, so as to admit of a good road along the said center; and the earth taken from said ditch shall be so placed upon said road as to form a turnpike, if in the opinion of the Commissioners it will be a benefit to the road.

SEC. 41. If the jury provided for in this act shall fail to agree, the Probate Court may, after such reasonable time as he in his discretion may think proper, discharge said jury, and proceed to impannel another, in the same manner as hereinbefore provided, unless such case is otherwise disposed of by the parties, and the verdict may be set aside by said Probate Court for the same causes, and upon the same grounds. as the verdict of juries in the Court of Common Pleas, and the parties shall have the same rights as to bills of exception and writs of error, as is provided for the same in the code of civil procedure, for causes tried to a jury in the Court of Common Pleas.

SEC. 42. That the County Commissioners of any county in this State, shall have power, at any regular or called session, when in their opinion it is necessary for the proper drainage of lands, to cause any natural water course to be widened, deepened or straightened, where any ditch, drain or water course has been established and constructed under the provisions of this act, or any former act, to cause the same to be widened and deepened, whenever one or more persons owning land adjacent to any such ditch, drain or water course, shall file a petition, setting forth the necessity of widening or deepening the same, or any part thereof, with the County Auditor, and shall file a bond, with sureties, to the acceptance of said Auditor, conditioned to pay all costs and expenses incurred, in case the Commissioners shall refuse to grant the prayer of said petitioners. The Commissioners shall have the same power to cause said ditch, drain or water course to be straightened, deepened or widened, as they have to order any such ditch, drain or water course to be located and constructed, and the same proceedings shall be required, except that the Commissioners may dispense with the services of an Engineer.

SEC. 43. The following fees shall be paid for services under this act: To the Engineer and Surveyor, five dollars per day; rodmen, one dollar and fifty cents; to each chainman, axman, or other necessary assistants, one dollar and twenty-five cents, and to be paid by the county, and to be charged against the ditch, to be refunded from assessments collected by the parties interested, as is provided by this act. Commissioners, Auditor and Treasurer, the like fees as are allowed by law for similar services in other cases, and to be paid by the county.

SEC. 44. The County Auditor shall make, in a suitable book to be provided by the county for that purpose, a complete record of all proceedings had in cases under this act. In such record, it shall not be requisite to transcribe plats, profiles and grade tables, and the same shall also be carefully filed and preserved.

SEC. 45. Where the Commissioners view and locate the line of any

ditch, water course or improvement, shall be of the opinion that an underground ditch or tiling will be equally beneficial if constructed through the lands of any party, to be assessed for the construction of such ditch or water course, and the party owning such lands shall so request, they may report in favor of such tile ditch, and fix the capacity thereof, and estimate the additional expenses of the same through such lands, which additional expenses, if any, shall be added to the first installment, payable by the owner of such lands.

SEC. 46. The act entitled an act relating to ditches, passed and took effect April 12, 1871, (O. L. volume 68, page 60), and an act amendatory of certain sections thereof, passed and took effect March 28, 1873, (O. L. volume 70, page 79), and the act amendatory thereof, passed and took effect February 27, 1873, (O. L. volume 70, page 49), and an act amendatory thereof, passed and took effect February 8, 1875, (O. L. volume 72, page 30), and the act supplementary thereto, passed March 16, and took effect April 1, 1874, (O. L. volume 71, page 29), and the act supplementary thereto, passed and took effect April 12, 1873, (O. L. volume 70, page 126), and the act supplementary thereto, passed and took effect April 29, 1873, (O. L. volume 70, page 185), and the act amendatory to the act passed April 12, 1871, (O. L. volume 68, page 60), as amended March 28, 1873, (O. L. volume 70, page 79), passed April 11, 1876, (O. L. volume 73, page 181), and all other acts and parts of acts inconsistent with this act, be and the same are hereby repealed, but no proceedings had under any law repealed by this act shall be affected by such repeal, and all further proceedings necessary to complete the same, shall be in accordance with the provisions of this act: Provided further, that any proceedings now pending under any laws herein repealed, may at any stage thereof be made to conform to the provisions of this act.

SEC. 47. This act shall take effect and be in force from and after its passage.

Attest: WM. LEONARD, *Clerk.*

The bill with pending substitute was laid on the table.

Mr. Lewis submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled, the following bills:

H. B. No. 690—For the relief of Thomas Gilpin.

S. B. No. 140—To regulate the Ohio Agricultural and Mechanical College in Ohio, and to repeal certain acts therein named.

S. B. No. 315—To divide the township of Perry, county of Columbiana, into two election precincts.

S. B. No. 341—To amend section 18 of an act relating to roads and highways, passed March 9, 1868, (O. L. volume 65, page 19).

E. C. LEWIS, C. J. SWAN,
H. V. KERR, T. P. BROWN,
ASA TOBEREN.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives, has, in presence of the House, signed the following bill:

H. B. No. 690—Mr. Bard—For the relief of Thomas Gilpin.

Attest: WM. LEONARD, *Clerk.*

The President, in the presence of the Senate, signed said bill.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

S. B. No. 341—Mr. Haines of Carroll—To amend section eighteen of "An act relating to roads and highways," passed March 9, 1868, (O. L., vol. 65, p. 19).

S. B. No. 315—Mr. Rukenbrod—To divide the township of Perry, county of Columbiana, into two election precincts.

S. B. No. 140—Mr. Swan—To regulate the Ohio Agricultural and Mechanical College in Ohio, and to repeal certain acts therein named.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 776—Mr. Ullery—To amend an act entitled "An act to amend an act entitled 'an act to enroll the militia of Ohio, to organize the volunteer militia, and to repeal certain acts therein named,' passed April 2, 1866, and to repeal certain acts therein named," passed April 11, 1876.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

Bills were read the second time and referred as follows:

H. B. No. 827—To authorize the village council of Clarksville, Clinton county, Ohio, to levy a tax for the relief G. W. Garrison and Ezekiel Cast.

To the committee on Municipal Corporations.

H. B. No. 608—To amend an act entitled an act to regulate the Ohio Soldiers' and Sailors' Orphans' Home, located at Xenia, and to repeal certain acts therein named, passed March 14, 1876, (O. L., vol. 73, p. 26).

To the committee on Ohio Soldiers' and Sailors' Orphans' Home, and School for Imbecile Youth.

H. B. No. 809—To authorize the Trustees of Shatersville township, Portage county, to levy a tax for certain purposes mentioned therein.

To the committee on Corporations other than Municipal.

H. B. No. 763—To amend section 1 of an act entitled an act providing for the erection of new buildings at the Ohio Penitentiary, and making partial appropriations for said institution for the year 1875, passed February 4, 1875, (O. L., vol. 72, p. 26).

To the committee on Penitentiary.

H. B. No. 774—Supplementary to an act to create a special school district in Mentor township, Lake county, Ohio, (Laws of Ohio, vol. 73, p. 297).

To the committee on Common Schools.

H. B. No. 521—For the relief of ex-overseers of the poor in certain cities of the first-class.

To a select committee of four—the Senators from First District.

H. B. No. 790—Supplementary to an act entitled an act to authorize the County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named, passed March 29, 1867, and the acts amendatory thereof.

To the committee on Roads and Highways.

S. B. No. 410—To authorize the Trustees of Jefferson township, Richland county, Ohio, to join with the council of the incorporated village of Bellville in the construction of a town hall for the joint use of said township and village.

To the Committee on Municipal Corporations.

S. B. No. 411—To authorize the Trustees of Canfield township, Mahoning county, Ohio, to issue bonds for the purpose of repairing buildings, purchasing sites, and erecting buildings thereon, and otherwise contributing to the establishment and support of a normal school in said township.

To the committee on Common Schools.

S. B. No. 412—To authorize the authorities of the city of Portsmouth to purchase certain territory and buildings thereon for certain purposes, and to issue bonds to pay for the same.

To a select committee of two—Messrs. Monahan and Warnock.

S. B. No. 413—Providing for stay of execution on judgments.

To the committee on Judiciary.

S. B. No. 414—To annex territory to the Bluffton union school district, in Allen county, Ohio.

To a select committee of two—Messrs. Andrews and Sheridan.

H. B. No. 728—Supplementary and amendatory of the act entitled an act to amend sections two, four and twenty-four of an act entitled an act to preserve the purity of elections.

To the committee on Privileges and elections.

On motion of Mr. Burns, H. B. No. 766—To amend, revise and consolidate the statutes relating to criminal procedure, etc.—was taken from the table and referred to the committee of the whole Senate.

On motion of Mr. Burns, it was ordered that the Senate resolve itself into a committee of the Whole, for the consideration of S. B. No. 306 and H. B. No. 766, at 3 o'clock, p. m.

H. B. No. 852—For the relief of Joseph McIlvane, Treasurer of Scio special school district, Wort township, Harrison county, and his sureties.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were--

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kerr, Kleinschmidt, Knox, Monahan, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—24.

So the bill passed. The title was agreed to.

Mr. Stanton submitted the following report:

The committee of conference, to whom was referred the matters of difference between the two Houses on S. B. No. 354—To create a special

school district of certain territory in York township, Morgan county, and Bearfield township, Perry county, having had the same under consideration, submit the following report:

1st—We recommend that the Senate concur in the first and second House amendments.

2d—That the House recede from its third and fourth amendments or that part designated as sections three and four.

3d—That the following be placed before, and made a part of section 2 of the Senate bill:

"Should a majority of the ballots at said election be found in favor of the creation of said special school district, then."

4th—Renumber the sections consecutively.

R. Stanton,
J. K. Rukenbrod,
James W. Owens,
Senate Committee.

O. Blake,
C. S. Cory,
E. R. P. Baker,
House Committee.

The question being on concurring in said report, the yeas and nays were taken and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burress, Burrows, Curtiss, Johnston, Kerr, Kleinschmidt, Knox, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—25.

So the report was concurred in.

H. B. No. 569—Supplementary to an act entitled an act to authorize the city council of the city of Hamilton to fill up a part of the canal basin in said city, passed April 27, 1872, (vol. 69, O. L., 271), and an act supplementary to said act, passed April 2, 1876, (vol. 73, O. L., 275).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Johnston, Kerr, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—22.

So the bill passed. The title was agreed to.

H. B. No. 761—To divide the township of Perry, Wood county, Ohio, into two election precincts.

Was read the third time and laid on the table.

S. B. No. 400—To create two election precincts in Salt Creek township, Wayne county.

Was read the third time and laid on the table.

S. B. No. 342—To amend section 5 of an act to amend an act entitled an act for the assessment and taxation of property in the State, and for levying taxes therein, according to its true value in money, passed May 8, 1868'

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 20, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Hudson, Johnston, Owens, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Warnock and Williams—20.

So the bill passed. The title was agreed to.

S. B. No. 130—To preserve the purity of the ballot box.

Was taken from the calendar and laid on the table.

S. J. R. No. 62—Memorial asking Congress to make appropriations for the improvement of the rivers and harbors in the Mississippi valley.

Was taken up for further consideration.

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Ellis, Johnston, Kent, Kleinschmidt, Knox, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Stanton, Stickney, Warnock and Williams—24.

So the resolution was adopted.

H. J. R. No. 100—Requiring the proceeds of the sale of certain lands to be placed to the credit of the fund of the Ohio Agricultural College.

Was taken up for further consideration.

The question being on the adoption of the resolution the yeas and nays were taken and resulted—yeas 21, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Johnston, Kent, Kerr, Knox, Monahan, Philson, Reese, Rukenbrod, Schenck, Spangler, Stickney and Warnock—21.

Those who voted in the negative were—

Messrs. Andrews, Ault and Owens—3.

So the resolution was adopted.

S. B. No. 402—To amend sections 1, 2 and 3, and add sections 4, 5, 6 and 7 to "An act to protect the citizens of Ohio from empiricism and elevate the standing of the medical profession," passed May 5, and took effect October 1, 1868, (62 volume, 146).

Was read the third time.

On motion of Mr. Burrows the bill was laid on the table.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution in which the concurrence of the Senate is requested:

H. J. R. No. 113—Mr. Entrekin—Giving the Scioto Valley Railway Company the right of way along a certain part of the tow-path of the Ohio Canal.

Attest: WM. LEONARD, *Clerk.*

Referred to the committee on Public Works.

On motion of Mr. Burns the Senate took a recess until 2½ o'clock P. M.

HALF-PAST TWO O'CLOCK P. M.

The following bill was introduced, on leave, and read the first time:

S. B. No. 416—Mr. Curtiss—To amend an act to amend an act to provide for and regulate street railroad companies, passed February 19, 1870.

H. B. No. 874—To authorize the city council of the city of Lancaster, Ohio, to issue bonds to fund its indebtedness.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Johnston, Kent, Kerr, Kleinschmidt, Lewis, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes and Warnock—24.

So the bill passed. The title was agreed to.

H. B. No. 792—To authorize the building of a town hall in the village of Jefferson, in Ashtabula county.

Was read the third time.

Mr. Brown of Lucas moved that the bill be referred to a select committee of one with instructions to amend as follows:

In line 32, section 2, strike out the words "two-thirds" and insert "three-fifths."

Which was agreed to.

Mr. Brown of Lucas was appointed such select committee.

Mr. Brown of Lucas, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 792, with instructions to amend, reports the same back amended as instructed.

T. P. Brown.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kleinschmidt, Lewis, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes and Warnock—27.

So the bill passed. The title was agreed to.

Mr. Brown of Ross, on leave, submitted the following report:

The standing committee on Public Works to whom was referred—

H. J. R. No. 113—Giving the Scioto Valley Railroad Company the right of way along a certain part of the tow-path of the Ohio Canal—having had the same under consideration, report it back and recommen its adoption.

M. Kent, A. L. Brown,
Jas. W. Owens, R. E. Reese,
R. Stanton.

The question being on the adoption of the resolution the yeas and nays were taken and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were.

Messrs. Andrews, Ault, Bates, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kleinschmidt,

Lewis, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes and Warnock—26.

So the resolution was adopted.

H. B. No. 682—To authorize the building of a public hall in Milford precinct of Miami township, Clermont county, Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Warnock and Williams—26.

So the bill passed. The title was agreed to.

Mr. Burns moved that the committee of the whole be discharged from the further consideration of House Bills No.'s 607 and 766.

Which was agreed to.

On motion of Mr. Burns H. B. No. 607 was ordered to be read the third time to-morrow at 10¼ o'clock A. M.

On motion of Mr. Burns H. B. No. 766 was laid on the table.

The following bill was introduced on leave, and read the first time:

S. B. No. 417—Mr. Rukenbrod—To require inn and boarding house keepers to provide suitable and efficient fire escapes.

Mr. Monahan, on leave, offered the following joint resolution, which was laid on the table under notice of intention to discuss, given by Mr. Johnston.

S. J. R. No. 65—*Resolved by the General Assembly of the State of Ohio*, That the committee on State Buildings be directed and required, without delay, to specify, lay out and plan, and give all necessary directions in regard to opening up and constructing a direct pass-way from the Senate Chamber to the House of Representatives, and that the construction of the same be placed in the hands of the Adjutant-General with instructions to complete the same by the first of January, 1878.

H. B. No. 426—To authorize the creation of a special school district in Goodhope township, Hocking county.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines, Johnston, Kerr, Kleinschmidt, Lewis, Philson, Reese, Rukenbrod, Schenck, Spangler, Stickney, Stokes, Warnock and Williams—21.

So the bill passed. The title was agreed to.

H. J. R. No. 82—Directing the Auditor of State and Attorney-General to adjust the claim of Wm. M. Ampt, of Cincinnati, provided he complies with certain conditions herein mentioned.

Was taken up for further consideration.

The resolution was laid on the table and made the special order for 3 o'clock P. M. Monday.

H. B. No. 756—To authorize the council of the incorporated village of Berea, Cuyahoga county, State of Ohio, to transfer money from the general fund to the road fund, and for other purposes.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Johnston, Kent, Kleinschmidt, Lewis, Miller, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—27.

So the bill passed. The title was agreed to.

S. B. No. 405—To authorize the Commissioners of Meigs county, Ohio, to levy a tax for improving the road leading from the city of Pomeroy to the village of Racine, in said county.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Curtiss, Haines, Johnston, Kent, Kleinschmidt, Lewis, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stokes, Warnock and Williams—23.

So the bill passed. The title was agreed to.

S. B. No. 377—Creating a salary commission in cities of the first-class to equalize and fix the salaries of clerks and employes, in the various boards and departments of such cities.

Was taken from the calendar and laid on the table.

H. B. No. 683—Regarding the maintenance and repair of streets, alleys, etc., in cities of the first-class having a population of more than ninety thousand and less than one hundred and fifty thonsand inhabitants at the last federal census.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Haines, Johnston, Kent, Kleinschmidt, Knox, Lewis, Owens, Reese, Schenck, Sheridan, Spangler, Stanton, Stokes, Warnock and Williams—23.

So the bill passed. The title was agreed to.

S. B. No. 388—To amend section 70 of an act entitled "An act to establish a code of civil procedure," passed March 11, 1853, as amended February 11, 1874, (71 O. L., 304).

Was read the third time.

Mr. Bates moved to refer the bill to a select committee of one with instructions to amend as follows:

Strike out from word "and" in 45th line to include "aforesaid" in 50th line.

Strike out in 51st line "not so disclosed and is."

Which was agreed to.

Mr. Bates was appointed such select committee.

Mr. Bates, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 388, with instructions to amend, reports the same back amended as instructed.

J. H. Bates.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 20, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Burrows, Curtiss, Haines, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Rukenbrod, Schenck, Sheridan, Stanton, Stickney, Stokes, Warnock and Williams—20.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 276—Mr. Brown of Lucas—To amend an act entitled "An act limiting the rate of taxation in municipal corporations," (O. L., vol. 73, p. 222.)

With the following amendments, in which the concurrence of the Senate is requested:

In section 1, line 25, strike out "sixteen and eight-tenths," and insert "nineteen."

Strike out all after the word "any," in line 7, section 1, down to the word "the," in line 10, same section, and insert in lieu thereof the words "corporation, including the levy for general purposes over and above."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Burress, Burrows, Curtiss, Haines, Johnston, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Reese, Rukenbrod, Sheridan, Stanton, Stickney, Stokes and Warnock—23.

So the amendments were concurred in.

H. B. No. 746—Supplementary to an act entitled "An act for the incorporation of townships," passed March 16, 1853.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Johnston, Kleinschmidt, Knox, Lewis, Philson, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—21.

So the bill passed. The title was agreed to.

H. B. No. 798—To authorize the council of municipal corporations to repuire new bonds to be given by municipal officers in certain cases.

Was read the third time.

Mr. Burress moved that the bill be referred to a select committee of one with instructions to amend as follows:

In line 3, section 3, strike out the words "not being," and insert the word "nothing."

Which was agreed to.

Mr. Burress was appointed such select committee.

Mr. Burress, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 798, with instructions to amend, reports the same back amended as instructed.

N. P. BURRESS.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 20, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Burress, Burrows, Johnston, Kerr, Kleinschmidt, Knox, Monahan, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Warnock and Williams —20.

So the bill passed. The title was agreed to.

H. B. No. 769—To authorize the creation of a special school district in Harrison township, Scioto county, Ohio.

Was read the third time.

The question being, "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Johnston, Kent, Kerr, Kleinschmidt, Knox, Lewis, Monahan, Philson, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Warnock and Williams—23.

So the bill passed. The title was agreed to.

H. B. No. 849—To create two separate election precincts in Kirkwood township, Belmont county.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Johnston, Kleinschmidt, Knox, Lewis, Monahan, Philson, Reese, Rukenbrod, Schenck, Stanton, Stickney, Stokes, Warnock and Williams—22.

So the bill passed. The title was agreed to.

H. B. No. 831—Vesting the Police Commissioners with certain powers and duties of a board of health in cities of the second class having a population of more than thirty-one thousand and less than thirty-five thousand at the last federal census, and not having a board of health.

Was read the third time and laid on the table.

H. B. No. 793—To authorize the Commissioners of Pickaway county, Ohio, to repair or rebuild the bridge across Deer creek, at Williamsport, in said county.

Was read the third time and laid on the table.

H. B. No. 837—Authorizing the creation of an additional sub-school district in Beaver Creek township, Greene county.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Johnston, Kent, Kerr, Kleinschmidt, Knox, Lewis, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—22.

So the bill passed. The title was agreed to.

On motion of Mr. Knox, H. J. R. No. 75—Giving the care of the flag room and flags to the Adjutant General—was taken from the table.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Johnston, Kent, Kerr, Kleinschmidt, Knox, Lewis, Monahan, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Warnock and Williams—22.

So the resolution was adopted.

The following bills were introduced, on leave, and read the first time:

S. B. No. 418—Mr. Andrews—To authorize the transfer of certain funds therein named now in the treasury of the city of Fremont, county of Sandusky, and State of Ohio.

S. B. No. 419—Mr. Andrews—To amend the fourth section of "An act to protect more effectually the lives of railroad passengers from casualties by fire," passed May 4, 1869, (Ohio Laws, volume 66, page 94.)

Mr. Johnston, on leave, presented the petition of I. H. Bunnell, and 104 other citizens of Canfield township, Mahoning county, asking for the passage of a law authorizing the trustees of said township to issue bonds and borrow money for the purpose of aiding in the establishment of a Normal school in said township.

Which was referred to the committee on Common Schools and School Lands.

Mr. Lewis submitted the following report:

The joint committee on Enrollment, have examined, and found correctly enrolled, the following joint resolution:

H. J. R. No. 113—Granting the Scioto Valley Railway Company the right of way along a certain part of the towpath of the Ohio canal.

J. W. Washburn, Asa Toberen,
T. P. Brown, C. J. Swan,
E. C. Lewis.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following joint resolution:

H. J. R. No. 113—Mr. Entrekin—Granting the Scioto Valley Railway Company the right of way along a certain part of the towpath of the Ohio canal.

Attest: Wm. Leonard, *Clerk.*

The President, in presence of the Senate, signed said joint resolution.

Mr. Burns, on leave, submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 647—To authorize the election of one additional Judge of the Court of Common Pleas in the Third sub-division of the Sixth Judicial District of the State of Ohio—having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

1st, In section 2, line 2, strike out the word "township," and in its place insert the word "state."

2d, Section 2, line 2, strike out the words "first Monday in April," and insert in their place the words "second Tuesday in October."

3d, Section 2, line 3, strike out the word "May," and in its place insert the word "February."

4th, Section 2, line 5, strike out "1877," and insert in the same place "1882."

5th, Section 3, line 2, strike out the word "ten," and insert in it place the word "fifteen."

6th, Section 3, line 2, strike out "first Monday in April," and insert "second Tuesday in October."

C. J. Swan, N. P. Burress,
A. M. Burns, J. H. Bates,
Geo. W. Andrews, W. R. Warnock,
James W. Owens.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time Tuesday.

On motion of Mr. Burrows, the committee on Common Schools was discharged from the further consideration of—

S. B. No. 411—To authorize the Trustees of Canfield township, Mahoning county, Ohio, to issue bonds for the purpose of repairing buildings, purchasing sites, and erecting buildings thereon, and otherwise contributing to the establishment and support of a Normal school in said township.

The bill was referred to a select committee of three—Messrs. Johnston, Burrows and Burress.

Mr. Burress submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 412—To amend sections 243 and 244 of an act entitled "An act to establish a code of civil procedure," passed March 11, 1853, (S. & C., vol. 2, page 1017)– having had the same under consideration, report it back and recommend its indefinite postponement.

J. H. Bates, James W. Owens,
W. R. Warnock, A. M. Burns,
Geo. W. Andrews, N. P. Burress.

The bill was indefinitely postponed.

Mr. Warnock submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 308—To enable executors and administrators to obtain funds arising from sale of real estate on partition to pay debts, having had the same under consideration, report it back and recommend its passage.

W. R. Warnock, Geo. W. Andrews,
A. M. Burns, N. P. Burress,
J. H. Bates.

The bill was ordered to be read the third time Monday.

Mr. Burress submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 274—To amend section 8 of an act entitled "An act of the jurisdiction and procedure before Justices of the Peace, and of the duties of Constables in civil courts," passed March 14, 1853 (S. & C., Vol. 1, p. 771)—

having had the same under consideration, report it back and recommend its indefinite postponement.

J. H. Bates, Geo. W. Andrews,
A. M. Burns, N. P. Burress,
Jas. W. Owens.

The bill was indefinitely postponed.

Mr. Warnock submitted the following report:

The standing committee on Corporations other than Municipal, to whom was referred H. B. No. 809—To authorize the Trustees of Shalesville township, Portage county, to levy a tax for certain purposes mentioned therein, having had the same under consideration, report it back, and recommend its passage.

W. R. Warnock, J. R. Johnston,
Geo. W. Andrews, R. E. Reese,
R. Stanton.

The bill was ordered to be read the third time Tuesday.

Mr. Burns submitted the following report:

The standing committee on Municipal Corporations, to whom was referred S. B. No. 410—To authorize the Trustees of Jefferson township, Richland county, Ohio, to join with the Council of the incorporated village of Bellville in the construction of a town hall for the joint use of said township and village, having had the same under consideration, report it back and recommend its passage.

A. M. Burns, J. C. Schenck,
R. E. Reese, T. P. Brown,
Wm. Miller.

The bill was ordered to be engrossed at the Clerk's desk and read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Burns, Burress, Burrows, Curtiss, Johnston, Kent, Kerr, Kleinschmidt, Knox, Lewis, Owens, Philson, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Warnock and Williams—21.

So the bill passed. The title was agreed to.

Mr. Schenck submitted the following report:

The standing committee on Benevolent Institutions, to whom was referred the appointment of Benjamin F. Martin of Franklin county to be Trustee of the Institution for the Education of the Blind, having had the same under consideration, report it back and recommend that the Senate do advise and consent to said appointment.

J. C. Schenck, E. C. Lewis,
E. T. Stickney, H. V. Kerr,
J. K. Rukenbrod.

The question being on advising and consenting to said appointment, the yeas and nays were taken, and resulted, yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Burns, Burrows, Curtiss, Johnston, Kent,

Kerr, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Spangler, Stokes, Warnock and Williams—22.

So the Senate advised and consented to said appointment.

Mr. Bates submitted the following report :

The standing committee on finance, to whom was referred H. B. No. 795—To authorize the Commissioners of Brown county to levy an additional tax for the payment of county expenses, having had the same under consideration, report it back and recommend its passage.

SAMUEL KNOX, R. STANTON,
J. H. BATES, A. R. HAINES,
ELIAS ELLIS.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 23, nays none, as follows :

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Burns, Burrows, Curtiss, Ellis, Johnston, Kerr, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes and Williams —23.

So the bill passed. The title was agreed to.

Mr. Knox submitted the following report :

The standing committee on Finance, to whom was referred H. B. No. 787—To authorize the Commissioners of Lawrence county to build a bridge over Ice creek, in said county, having had the same under consideration, report it back and recommend its passage.

SAMUEL KNOX, H. W. CURTISS,
J. H. BATES, A. R. HAINES,
ELIAS ELLIS.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 24, nays none, as follows :

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Spangler, Stickney, Stokes, Warnock and Williams—24.

So the bill passed. The title was agreed to.

Mr. Andrews submitted the following report :

The committee of Conference, to whom the matters of difference of the two Houses on S. B. No. 190—To amend sections 534 and 536 of an act to establish a code of civil procedure, were referred, having had the same under consideration, submit the following report, and recommend that the House amendment limiting the time in which a petition may be filed and proceedings commenced for causes arising under sub-divisions 9 and 10, mentioned in said bill, be changed so as to read :

"In sub-divisions 9 and 10, two years after the defendant has notice of the judgment."

The committee further recommend that the Senate concur in the balance of the House amendments.

THOMAS F. THRESHER,
THOS. E. DUNCAN,
M. A. HOAGLAND,
House Committee.

GEO. W. ANDREWS,
JAS. W. OWENS,
S. S. BURROWS,
Senate Committee.

The question being on concurring in said report, the yeas and nays were taken, and resulted—yeas 20, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Knox, Lewis, Miller, Monahan, Owens, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes and Williams—20.

So the report was concurred in.

Mr. Bates submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 691—To authorize the Commissioners of Franklin county to levy a tax for making a turnpike road from High street, in the city of Columbus, along Green Lawn avenue road, as established, to the terminus of said road in the old Chillicothe road, having had the same under consideration, report it back and recommend its passage.

J. H. BATES, A. R. HAINES,
ELIAS ELLIS, SAMUEL KNOX,
R. STANTON.

The bill was ordered to be read the third time to-morrow.

Mr. Monahan submitted the following report:

The select committee of two, to whom was referred S. B. No. 412—To authorize the authorities of the city of Portsmouth to purchase certain territory and buildings thereon for certain purposes, and to issue bonds to pay for the same, report it back, and recommend its passage.

I. T. MONAHAN,
W. R. WARNOCK.

The bill was ordered to be engrossed, and read the third time to-morrow.

Mr. Burrows submitted the following report:

The select committee of three, to whom was referred S. B. No. 411—To authorize the Trustees of Canfield township, Mahoning county, Ohio, to issue bonds for the purpose of repairing buildings, purchasing sites and erecting buildings thereon, and otherwise contributing to the establishment and support of a normal school in said township, having had the same under consideration, report it back, and recommend its passage.

S. S. BURROWS,
J. R. JOHNSTON,
N. P. BURRESS.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Haines on leave, submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 835—For the relief of the official sureties of Cortez Stephens, deceased late treasurer of the township of Brunswick, Medina county, Ohio, having had the same under consideration, report it back without recommendation.

A. R. Haines,
Samuel Knox,
Elias Ellis.

The bill was ordered to be read the third time Tuesday.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 157—Mr. Haines of Preble—To protect owners of real estate in remainder against waste committed thereon by tenants, by the curtesy.

Attest: Wm. Leonard, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives requests the return of—

S. B. No. 294—Mr. Brown of Ross—To amend an act entitled "An act to amend an act fixing the rate of interest," passed January 12, 1824, passed February 18, 1848, (S. & C., p. 744).

Attest: Wm. Leonard, *Clerk.*

The request of the House of Representatives was acceded to.

A message was sent to that body returning said bill.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 886—Mr. Richards—To amend section eighty-seven of an act entitled "An act to provide for the organization and government of Municipal Corporations," passed May 7, 1869, (O. L., Vol. 66, page 164).

Attest: Wm. Leonard, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives requests the return of—

S. B. No. 251—Mr. Owens—To punish the practice of resorting to distant courts to oppress citizens of Ohio, and deprive them of their rights under the statutes of Ohio.

Attest: Wm. Leonard, *Clerk.*

The request of the House of Representatives was acceded to.
A message was sent to that body returning said bill.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has concurred in the adoption of—
S. J. R. No. 43—Mr. Ransom—Relative to the restoration of the silver dollar to its former rank as lawful money.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—
S. B. No. 362—Mr. Curtiss—Amendatory of and supplementary to "An act to enable trustees of religious denominations to become incorporated, and defining their powers," passed April 20, 1874.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:
H. B. No. 812—Mr. Barnett—Creating a Special School District in Sandusky township, Richland county, Ohio.
H. B. No. 820—Mr. Perkins—To provide for the purchase of books for the use of Common Schools.
H. B. No. 856—Mr. Baker of Perry—To create a joint sub-district for school purposes in the township of Thorn, Perry county, and Walnut township, Fairfield county.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:
H. B. No. 888—Mr. McLain—To create a Special School District in Bristol township, Trumbull county.
H. B. No. 872—Mr. Tryon—To authorize the Council of the incorporated village of Willoughby to issue bonds and borrow money to pay indebtedness, and for the purpose of completing the macadamizing of Erie street, in said village.
H. B. No. 878—Mr. Hodge—Supplementary to an act entitled an act to amend sections 66, 67 and 70 of the act entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, (S. & C. Stat., 305), and to repeal a certain

act amendatory thereto, passed January 26, 2865, (O. L., 62, page 4; S. & S., page 239).

H. B. No. 868—Mr. Breck—To authorize the Council of the incorporated village of Brooklyn, Cuyahoga county, State of Ohio, to transfer money from the cemetery fund to the corporation fund.

H. B. No. 864—Mr. Myers—For the relief of Henry Depler, treasurer of Perry township, Ashland county, Ohio.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

Mr. Kerr moved that the vote whereby H. B. No. 682—To authorize the building of a public hall in Milford precinct of Miami township, Clermont county, Ohio, was passed, be reconsidered.

Which was agreed to.

The bill was laid on the table.

On motion of Mr. Lewis, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

SATURDAY, APRIL 21, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

On motion of Mr. Burns, the vote whereby S. B. No. 410 –To authorize the Trustees of Jefferson township, Richland county, Ohio, to join with the Council of the incorporated village of Bellville, in the construction of a Town Hall for the joint use of said township and village was passed, was reconsidered.

The order whereby the bill was read the third time yesterday was reconsidered, and the bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 19, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kleinschmidt, Knox, Lewis, Miller, Rukenbrod, Sheridan, Spangler, Stanton and Williams—19.

So the bill passed. The title was agreed to.

Mr. Andrews, on leave, submitted the following report:

The select committee of two, to whom was referred S. B. No. 414—To annex territory to the Bluffton school district, Allen county, report it back and recommend its passage.

GEO. W. ANDREWS,
WM. SHERIDAN, JR.

The bill was ordered to be engrossed at the Clerk's desk, and read the third time.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 20, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Ross, Burns, Burress, Burrows, Curtiss,

Ellis, Haines, Johnston, Kent, Kleinschmidt, Knox, Lewis, Miller, Owens, Rukenbrod. Sheridan, Spangler, Stanton and Williams—20.

The bill passed. The title was agreed to.

Mr. Stanton, on leave, submitted the following report:

The standing committee on Finance to whom was referred H. B. No. 744—To authorize the Commissioners of Miami county to levy a tax on certain townships and incorporated villages in said county for the payment of certain indebtedness, having had the same under consideration, report it back, and recommed its passage.

R. Stanton, Samuel Knox,
Elias Ellis, A. R. Haines,
H. W. Curtiss.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 20, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kleinschmidt, Knox, Lewis, Miller, Owens, Rukenbrod, Sheridan, Spangler, Stanton and Williams—20.

So the bill passed. The title was agreed to.

Mr. Owens submitted the following report:

The standing committee on Revision has examined and found correctly engrossed, S. B. No. 411 and S. B. No. 412.

W. W. Beatty,
J. C. Schenck,
James W. Owens.

Bills were read the second time and referred as follows:

H. B. No. 776—To amend an act entitled "an act to amend an act entitled an act to enroll the militia of Ohio, to organize the volunteer militia, and to repeal certain acts therein named," passed April 2, 1866, and to repeal certain acts therein named, passed April 11, 1876.

To the committee on Military Affairs.

H. B. No. 886—To amend section 87 of an act entitled "an act to provide for the organization and government of municipal corporations," passed May 7, 1869. (O. L., vol. 66, p. 164.)

To the committee on Municipal Corporations.

H. B. No. 888—To create a special school district in Bristol township, Trumbull county, Ohio.

To the committee on Common Schools.

H. B. No. 872—To authorize the Council of the incorporated village of Willoughby to issue bonds and to borrow money to pay indebtedness, and for the purpose of completing the macadamizing of Erie street in said village.

To the committee on Municipal Corporations.

H. B. No. 878—Supplementary to an act entitled an act to amend sections 66, 67, and 70 of the act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, (S. & C.'s Stat. 305), and to repeal a certain act amendatory thereto, passed January 26, 1865. (O. L. 62, p. 4; S. & S. p. 239.)

To the committee on Corporations other than Municipal.

H. B. No. 868—To authorize the Council of the incorporated village of Brooklyn, Cuyahoga county, State of Ohio, to transfer money from the cemetery fund to the corporation fund.

To the committee on Municipal Corporations.

H. B. No. 864—For the relief of Henry Depler, treasurer of Perry township, Ashland county, Ohio.

To the committee on Finance.

H. B. No. 812—Creating a special school district in Sandusky township, Richland county, Ohio.

To the committee on Common Schools.

H. B. No. 820—To provide for the purchase of books for the use of common schools.

To the committee on Common Schools.

H B. No. 856—To create a joint sub-district for school purposes in the township of Thorn, Perry county, Ohio, and Walnut township, Fairfield county, Ohio.

To the committee on Common Schools.

S. B. No. 415—To create a Gas Works in the village of Clifton, Hamilton county, Ohio.

To the committee on Corporations, other than Municipal.

S. B. No. 416—To amend an act to amend an act to provide for and regulate Street Railway Companies, passed February 19, 1870.

To the Committee on Railroads and Telegraphs.

S. B. No. 417—To require Inn and Boarding House keepers to provide suitable and efficient fire escapes.

To the committee on Municipal Corporations.

S. B. No. 411—To authorize the Trustees of Canfield township, Mahoning county, Ohio, to issue bonds for the purpose of repairing buildings, purchasing sites, and erecting buildings thereon, and otherwise contributing to the establishment and support of a normal school in said township.

Was read the third time, and the further consideration of said bill was postponed until Monday.

S. B. No. 412—To authorize the authorities of the city of Portsmouth, to purchase certain territory and buildings thereon for certain purposes, and to issue bonds to pay for the same.

Was read the third time, and the further consideration of said bill was postponed until Monday.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 109—Mr. Neal—Awarding damages to H. P. Clough & Co.

Attest: WM. LEONARD, *Clerk.*

Which was referred to the committee on Finance.

Mr. Knox moved that the standing committee on Finance be discharged from further consideration of the communication of a committee of the Board of Trustees of the Soldiers' and Sailors' Orphans' Home in relation to the petition of J. B. Moore for relief, and that the Secretary of the Board be permitted to withdraw the communication aforesaid.

Which was agreed to.

Mr. Rukenbrod submitted the following report:

The standing committee on Soldiers' and Sailors' Orphans' Home to whom was referred H. B. No. 608—To amend an act entitled an act to regulate the Ohio Soldiers' and Sailors' Orphans' Home, located at Xenia, and to repeal certain acts therein named, having had the same under consideration, report it back and recommend its passage.

J. K. Rukenbrod, A. Spangler,
J. B. Williams, Elias Ellis,
A. L. Brown.

The bill was ordered to be read the third time Monday.

Mr. Owens submitted the following report:

The standing committee on Public Works, to whom was referred H. B. No. 689—To authorize the city of Dayton to build and maintain stationary bridges across the Mad River Feeder of the Miami and Erie canal—having had the same under consideration, report it back with the following amendments and recommend its passage when so amended:

Strike out all from the word "shall" in line one, section two, to the word "be," in line two in same section.

Also, strike out all after the word "repair," in second line of section two, to and including the word "feeder," in third line of same section, and insert instead the word "and."

Also, strike out all after the word "built," in line one, section four, to the word "until," in line two of same section.

M. Kent, James W. Owens,
R. E. Reese, A. L. Brown,
Wm. Miller.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time Monday.

Mr. Ellis submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 848—To amend section one of an act entitled "An act to authorize the Board of County Commissioners of Delaware county to levy a tax for the building of a county jail in said county," passed and took effect March 14, A. D. 1877—having had the same under consideration, report it back and recommend its passage.

Samuel Knox, H. W. Curtiss,
R. Stanton, Elias Ellis,
A. R. Haines.

The bill was ordered to be read the third time Tuesday.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 281—Mr. Stanton—To enable the township and incorporated village of Malta to purchase a site for, and build a town hall.

Attest: Wm. Leonard, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in Senate amendments to—

H. J. R. No. 96—Committee on Claims—Relating to claim of Bohm & Field—

And ask for committee of conference.

The Speaker has appointed Messrs. Converse, Zumstein and Douglas on the part of the House.

Attest: WM. LEONARD, *Clerk.*

The request of the House of Representatives was acceded to.

The President appointed Messrs. Spangler, Johnston and Owens as members of such committee on part of the Senate.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 852—Mr. Nixon—For the relief of Joseph M. McIlvane, treasurer of Scio Special School District, North township, Harrison county, Ohio, and his sureties.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 408—Mr. Schenck—To authorize the Commissioners of Cuyahoga county to borrow money on the bonds of the county to discharge the existing liabilities of said county.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 857—Mr. Wales—To authorize the Council of the incorporated village of Franklin, Warren county, Ohio, to borrow money and issue bonds for the purpose of purchasing a steam fire engine.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 779—Mr. Carothers—To authorize the transfer of certain public lands in the village of Sunbury, Delaware county, Ohio, to the Board of Education of Sunbury Special School District. Delaware county, Ohio.

H. B. No. 893—Mr. Boyce—To authorize the building of a town hall in the village of East Liverpool, Columbiana county.

Substitute for H. B. No. 484—Committee on Agriculture—To prevent the spread of Canada thistles.

H. B. No. 822—Mr. Raudabaugh—For the relief of the Mercer county Agricultural society.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of the following joint resolutions:

S. J. R. No. 63—Mr. Rukenbrod—Providing for binding in muslin the report of the Secretary of State for 1876.

S. J. R. No. 64—Mr. Rukenbrod—Providing for the binding of additional copies of the debates of the Constitutional Convention.

Attest: WM. LEONARD, *Clerk.*

H. B. No. 607—To amend, revise and consolidate the statutes relating to crimes, and repeal certain acts therein named, to be known as title one, crimes and offenses, part four, of the act to revise and consolidate the general statutes of Ohio, the special order for this hour, was taken up for further consideration. The bill was read the third time.

On motion of Mr. Andrews, the Senate took a recess.

THREE O'CLOCK P. M.

On motion of Mr. Johnston, the further consideration of said H. B. No. 607 was postponed until 10 o'clock A. M., Tuesday, and made the special order for that hour.

The following bills were introduced, on leave, and read the first time. The rule requiring its printing discharged, and the bill ordered to be read the second time Monday.

S. B. No. 430—Mr. Andrews—To create a separate School District, composed of sections seven and eighteen, in Spencer township, and sections eight and seventeen in Amada township, in Allen county, Ohio.

S. B. No. 419—To amend the fourth section of "An act to protect more effectually the lives of railroad passengers from casualties by fire," passed May 4, 1869, (O. L., vol. 66, page 94)—was read the second time and referred to the committee on Railroads and Telegraphs.

Mr. Haines submitted the following report:

The standing committee on Roads and Highways, to whom was referred H. B. No. 790—Supplementary to an act entitled an act to authorize the County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named, passed March 29, 1867, and the

acts amendatory thereof having had the same under consideration, report it back, without recommendation.

A. R. Haines, J. R. Johnston,
A. Spangler, J. B. Williams,
A. L. Brown.

The bill was ordered to be read the third time Tuesday.

Mr. Spangler submitted the following report:

The standing committee on Roads and Highways, to whom was referred H. B. No. 478—Supplementary to the act entitled an act to authorize County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, passed March 29, 1867, and amended by subsequent acts—having had the same under consideration, report it back with the following amendment, and recommend its passage when so amended:

In section 1, lines 3 and 4, strike out the words "three-fourths of the number and value of."

A. L. Brown, J. B. Williams,
A. Spangler, A. R. Haines.

The amendment was agreed to and ordered to be engrossed.

The bill was ordered to be read the third time Tuesday.

Mr. Brown of Ross submitted the following report:

The standing committee on Roads and Highways, to whom was referred H. B. No. 633—To amend section 7 of an act to authorize the County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act named therein, as passed March 29, 1867, (O. L., vol. 64, p. 83,) as amended April 11, 1876, (O. L., vol 73, p. 169)—having had the same under consideration, report it back without recommendation.

A. L. Brown, A. R. Haines,
J. B. Williams, A. Spangler.

The bill was ordered to be read the third time Tuesday.

Mr. Lewis submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bill and joint resolution:

H. B. No. 683—Regarding the maintenance and repair of streets, alleys, etc., in cities of the first-class, having a population of more than 90,000, and less than 150,000 inhabitants at the last Federal census.

H. J. R. No. 106—Authorizing the Adjutant-General to loan battle flags, artillery, muskets and infantry accoutrements to the executive committee of the fourth annual reunion of ex-soldiers and sailors, to be held at Marietta, in September, 1877.

E. L. Lybarger, Thos. S. Luccock,
Asa Toberen, C. J. Swan,
E. C. Lewis.

Mr. Lewis submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled the following bills:

H. B. No. 757—For the relief of William Vandoren, Treasurer of Washington township, Warren county, Ohio.

H. B. No. 594—To authorize the Commissioners of Scioto county to purchase toll road and levy a tax to pay for same.

H. B. No. 698—Authorizing County Commissioners to offer a reward for the detection of horse thieves.

H. B. No. 685—To create a special school district in school districts numbers 6 and 7, in Norwich township, Franklin county, Ohio, and school districts numbers 4 and 5, in Brown township, in said county, and school district number two, in Prairie township, in said county.

H. B. No. 764—To repeal an act entitled an act to incorporate school district No. 1, in York and Clinton townships, Fulton county, (O. L., vol. 49, p. 571).

H. B. No. 828—To authorize the town council of the incorporated village of Denison, Tuscarawas county, to levy a tax to build a Mayor's office.

H. B. No. 425—To authorize the Auditor of Washington county to refund taxes erroneously paid by F. Boye.

H. B. No. 665—To provide for the cleaning of sewers, catch basins, avenues, streets, alleys, market places, wharves, etc., in cities of the first-class, having a population of more than 150,000 at the last Federal census.

H. B. No. 777—To amend section 56 of an act entitled an act for the reorganization and maintenance of common schools, passed and took effect May 1, 1873, (O. L., vol. 70, p. 211.

E. L. Lybarger, Asa. Toberen,
J. W. Washburn, C. J. Swan,
Thos. S. Luccock, E. C. Lewis.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 757—Mr. Wales—For the relief of William Vandoren, treasurer of Washington township, Warren county, Ohio.

H. B. No. 594—Mr. Sellards—To authorize the Commissioners of Scioto county to purchase toll road and levy a tax to pay for same.

H. B. No. 698—Mr. Boyce—Authorizing County Commissioners to offer a reward for the detection of horse thieves.

H. B. No. 685—Mr. Groom—To create a special school district in districts numbers 6 and 7, in Norwich township, Franklin county, Ohio, and school districts numbers 4 and 5, in Brown township, in said county, and school district number 2, in Prairie township, in said county.

H. B. No. 764—Mr. Fenton—To repeal an act entitled an act to incorporate school district No. 1, in York and Clinton townships, Fulton county, (O. L., vol. 49, p. 571).

H. B. No. 828—Mr. Johnson—To authorize the town council of the incorporated village of Denison, Tuscarawas county, to levy a tax to build a Mayor's office.

H. B. No. 425—Mr. Bohl—To authorize the Auditor of Washington county to refund taxes erroneously paid by F. Boye.

Attest: Wm. Leonard, *Clerk.*

The President, *pro tempore* in the presence of the Senate, signed said bills.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and joint resolution:

H. B. No. 683—Mr. Hodge—Regarding the maintenance and repair of streets, alleys, etc., in cities of the first-class, having a population of more than 90,000 and less than 150,000 inhabitants at the last Federal census.

H. J. R. No. 106—Mr. Bohl—Authorizing the Adjutant-General to loan battle flags, artillery, muskets and infantry accoutrements to the executive committee of the fourth annual reunion of ex-soldiers and sailors, to be held at Marietta, in September, 1877.

H. B. No. 665—Mr. Wiltsee—To provide for the cleaning of sewers, catch basins, avenues, streets, alleys, market places, wharves, etc., in cities of the first-class, having a population of more than 150,000 at the last Federal census.

H. B. No. 777—Mr. Huberich—To amend section 56 of an act entitled an act for the reorganization and maintenance of common schools, passed and took effect May 1, 1873, (O. L., vol. 70, p. 211).

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills and joint resolution.

On motion of Mr. Kleinschmidt, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

MONDAY, APRIL 23, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

Bills were read the second time and referred as follows:

S. B. No. 420—To create a separate school district, composed of sections 7 and 18, in Spencer township, and sections 8 and 17 in Amada township, in Allen county, Ohio.

To a select committee of two—Messrs. Andrews and Knox.

H. B. No. 857—To authorize the council of the incorporated village of Franklin, Warren county, Ohio, to borrow money and issue bonds for the purpose of purchasing a steam fire engine.

To the committee on Municipal Corporations.

H. B. No. 779—To authorize the transfer of certain public lands in the village of Sunbury, Delaware county, Ohio, to the Board of Education of Sunbury special school district, Delaware county, Ohio.

To the committee on Common Schools.

H. B. No. 893—To authorize the building of a town hall in the village of East Liverpool, Columbiana county, O.

To the committee on Municipal Corporations.

H. B. No. 484—To prevent the spread of Canada thistles.

To the committee on Agriculture.

H. B. No. 822—For the relief of the Mercer county Agricultural Society.

To the committee on Agriculture.

The order whereby H. B. No. 308 was placed on the calendar for third reading to-day, was discharged, and the bill was ordered to be read the third time to-morrow.

H. B. No. 691 –To authorize the Commissioners of Franklin county to levy a tax for making a turnpike road from High street, in the city of Columbus, along Green Lawn avenue road, as established, to the terminus of said road in the old Chillicothe road.

Was read the third time.

On demand of Mr. Brown of Lucas, a call of the Senate was had.

Eighteen Senators answered to their names.

Senators absent were—

Messrs. Ault, Beatty, Burns, Burress, Haines, Hudson, Kerr, Miller, Monahan, Philson, Ransom, Reese, Sheridan, Spangler, Stickney, Stokes, Swan and Williams—18.

The Sergeant-at-Arms was dispatched for absentees.

Messrs. Haines, Sheridan and Williams appeared within the bar and answered to their names.

Mr. Johnston moved that all further proceedings under the call be dispensed with.

Which was disagreed to.

Mr. Miller appeared within the bar of the Senate, and answered to his name.

On motion of Mr. Rukenbrod all further proceedings under the call were dispensed with.

The question being on the passage of—

H. B. No. 691—To authorize the Commissioners of Franklin county to levy a tax for making a turnpike road from High street, in the city of Columbus, along Green Lawn avenue road, as established, to the terminus of said road in the old Chillicothe road.

The yeas and nays were taken and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Reese, Rukenbrod, Schenck, Sheridan, Stanton, Warnock and Williams—23.

So the bill passed. The title was agreed to.

Mr. Knox, on leave, offered the following joint resolution:

S. J. R. No. 66—WHEREAS, An error has been discovered in the enrollment of S. B. No. 247—Mr. Bates,—"Supplementary to the act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants," passed May 4, 1869, passed April 11, 1877; therefore,

Resolved by the General Assembly of the State of Ohio, That the Secretary of the State is hereby directed to return the same to the Chairman of the joint committee on Enrollment.

The question being on the adoption of the resolution the yeas and nays were taken and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Haines, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Reese, Rukenbrod, Schenck, Sheridan, Stanton, and Warnock—21.

So the resolution was adopted.

H. B. No. 608—To amend an act entitled an act to regulate the Ohio Soldiers' and Sailors' Orphans' Home, located at Xenia and to repeal certain acts therein named, passed March 14, 1876, (Ohio Laws, volume 73, page 20).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Haines, Johnston, Kent, Kessler, Kleinschmidt, Knox ,Lewis, Miller, Owens, Reese, Rukenbrod, Schenck, Sheridan, Stanton, Warnock, and Williams—22.

So the bill passed. The title was agreed to.

Mr. Schenck submitted the following report:

The standing committee on Revision has examined and found correctly engrossed H. B. No. 689.

J. C. Schenck,
Jas. W. Owens,
W. W. Beatty.

H. B. No. 689—To authorize the city of Dayton to build and maintain stationary bridges across the Mad river feeder of the Miami and Erie canal.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Haines, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Reese, Rukenbrod, Schenck, Sheridan, Warnock and Williams—21.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives refuses to concur in Senate amendments to—

H. B. No. 853—Mr. Howland—Relating to certain proposed amendments to the Constitution, and the publication thereof, and asks for a committee of Conference.

Attest: Wm. Leonard, *Clerk.*

The request of the House of Representatives was acceded to.

The President appointed Messrs. Stanton, Burrows and Haines as members of such committee on the part of the Senate.

Mr. Andrews submitted the following report:

The select committee of two to whom was referred S. B. No. 420—To create a separate school district in sections 7 and 18 in Spencer township, and 8 and 17 in Amada township, Allen county—having had the same under consideration, report it back, with the recommendation that it be amended as follows:

In line 2, section 1, strike out the word "separate" and insert "special."

Also, in line 1, section 2, strike out the word "separate" and insert "special"—when so amended the committee recommend its passage.

GEO. W. ANDREWS,
SAMUEL KNOX.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Knox submitted the following report:

The standing committee on Finance to whom was referred H. B. No. 772—To authorize the trustees of Middleburgh township, Cuyahoga county, to levy a tax for certain purposes mentioned therein—having had the same under consideration, report it back and recommend its passage.

SAMUEL KNOX, H. W. CURTISS,
R. STANTON, ELIAS ELLIS,
A. R. HAINES.

The bill was ordered to be read the third time to-morrow.

On motion of Mr. Schenck S. R. No. 102, was taken from the table.

On motion of Mr. Andrews the resolution was laid on the table.

Mr. Schenck submitted the following report:

The standing committee on Revision has examined and found correctly engrossed S. J. R. No. 66.

J. C. SCHENCK,
W. W. BEATTY,
JAS. W. OWENS.

On motion of Mr. Knox, the Senate took a recess.

THREE O'CLOCK P. M.

The special order for this hour, H. J. R. No. 82—Directing the Auditor of State and Attorney-General to adjust the claim of Wm. M. Ampt, of Cincinnati, provided he complies with certain conditions herein mentioned, was taken up for further consideration.

The question being on the adoption of the report of the committee on Judiciary—

Mr. Andrews moved that the report be amended as follows:

Insert the word "all" after the words "Ohio" in line one, and "of" between the words "out" and "the" in the report of the committee.

Strike out the words "Resolved by the General Assembly of the State of Ohio."

Which was agreed to.

Mr. Brown of Ross moved that the substitute be amended as follows:

Strike out all of the first resolution after the word "it" in line four.

Which was agreed to.

The question being on the adoption of the substitute, the yeas and nays were taken and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kleinschmidt, Lewis, Miller, Owens, Reese, Rukenbrod, Schenck, Sheri-

dan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams —29.

So the resolution was adopted.

Mr. Knox submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 584—To authorize the Commissioners of Pickaway county, Ohio, to build a bridge across the Scioto river, at or near Mackey's Ford, in said county, and to levy a tax for that purpose—having had the same under consideration, report it back and recommend its passage.

SAMUEL KNOX, J. H. BATES,
H. W. CURTISS, R. STANTON,
A. R. HAINES.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kleinschmidt, Knox, Lewis, Miller, Owens, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—30.

So the bill passed. The title was agreed to.

Mr. Haines submitted the following report:

The standing committee on Finance to whom was referred H. B. No. 791—For the relief of Joseph Barrington—having had the same under consideration, report it back without recommendation.

A. R. HAINES, SAMUEL KNOX,
H. W. CURTISS, R. STANTON,
ELIAS ELLIS.

The bill was ordered to be read the third time Wednesday.

On motion of Mr. Johnston, S. B. No. 411—To authorize the Trustees of Canfield township, Mahoning county, Ohio, to issue bonds for the purpose of repairing buildings, purchasing sites, and erecting buildings thereon, and otherwise contributing to the establishment and support of a Normal School in said township—was taken from the table.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 25, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Owens, Reese, Rukenbrod, Spangler, Stickney, Stokes, Swan, Warnock and Williams—25.

Those who voted in the negative were—

Messrs. Knox and Stanton—2.

So the bill passed. The title was agreed to.

The following communication was received from the Governor:

MESSAGE FROM THE GOVERNOR.

THE STATE OF OHIO, EXECUTIVE DEPARTMENT,

COLUMBUS, 21ST DAY OF APRIL, 1877.

To the General Assembly:

I have the honor to transmit herewith a communication from Col. Edward S. Jones, President of National Monumental Association, of Nashville, Tennessee, in reference to erecting a monument at the National Cemetery, near Nashville, Tennessee, and respectfully request your attention thereto. There being but one copy of the same, it is sent to the House.

Very Respectfully, THOS. L. YOUNG, *Governor.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 133—Mr. Swan—To authorize the Board of Public Works to construct a culvert and berme bank in section nineteen of the Miami and Erie canal,

With the following amendments, in which the concurrence of the Senate is requested:

In section one, line two, after the word "require," insert: "If in the opinion of said Board it is deemed necessary."

In same section, line four, after the word "necessary" insert "for the efficiency and proper working of said canal."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Lucas, Burrows, Curtiss, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—25.

So the amendments were concurred in.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 66—Mr. Knox—Asking return of S. B. No. 247 from Secretary of State's office.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has agreed to the report of the committee of conference on matters of difference between the two Houses on—

S. B. No. 354—Mr. Stanton—To create a Special School District of

certain territory in York township, Morgan county, and Bearfield township, Perry county.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has agreed to the report of the committee of conference on matters of difference between the two Houses on—

S. B. No. 190—Mr. Haines of Preble—To amend sections 534 and 536 of "An act to establish a code of civil procedure," passed March 11, 1853, (S. & C., pp. 1112 and 1115).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 897—Mr. Hodge—Supplementary to the act entitled "An act relating to juries," passed April 26, 1873; also an act entitled an act to amend section 2 of the act entitled an act relating to juries, passed April 26, 1873; passed March 9, 1876; also the act entitled an act to regulate the fees of Probate Judges, Clerks of the Courts, Sheriffs, witnesses, juror's fees in partitions, and to repeal certain acts therin named, passed April 8, 1876, and to repeal the same, so far as the same may be applicable to the provisions of this act.

H. B. No. 898—Mr. Richards—To amend section 5 of an act entitled an act supplementary to an act for the reorganization and maintenance of common schools, passed March 30, 1874.

H. B. No. 899—Mr. Washburn—Relative to indexing judicial proceedings.

H. B. No. 900—Mr. Sorter—For the relief of the Cuyahoga county Agricultural Society.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. J. R. No. 75—Mr. Dalzell—Relating to custody of Flag Room.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution, in which the concurrence of the Senate is requested—

H. J. R. No. 115—Mr. Barrett—Relative to the claim of James B. Monroe.

Attest: WM. LEONARD, *Clerk.*

Referred to the committee on O. S. & S. O. H. and School for Imbecile Youth.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 830—Mr. Oglevee—To amend sections 1 and 4 of an act entitled an act to provide for the repair of free turnpike roads in certain counties, and to authorize the County Commissioners of any county in this State to constitute a board of directors to regulate the hauling of heavy burdens on any free turnpike or improved road, passed and took effect April 20, 1874, passed March 17, 1875 (O. L., Vol. 72, p. 57), passed April 3, 1876 (O. L., Nol. 73, p. 151).

H. B. No. 892—Mr. Faxon—To authorize the Trustees and Board of Education of Columbia township, Lorain county, Ohio, to levy a tax to build a school house and town hall.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 876—Mr. Hitchcock, from committee on revision and codification of the statutes—To consolidate, revise and amend the statutes relating to jails and the penitentiary, to be known as "part 2, title 3, jails and penitentiary."

H. B. No. 823—Mr. Garwood—For the relief of the road commissionners of the Marysville, New California and Franklin line county free turnpike.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

On motion of Mr. Lewis the committee on Common Schools was discharged from the further consideration of S. B. No. 252.

The bill was referred to a select committee of one—Mr. Lewis.

S. B. No. 418—To authorize the transfer of certain funds therein named now in the treasury of the city of Fremont, county of Sandusky and State of Ohio—

Was read the second time and referred to a select committee of two—Messrs. Hudson and Andrews.

Mr. Schenck, on leave, offered the following joint resolution:

S. J. R. No. 67—*Resolved by the General Assembly of the State of Ohio,* That it shall be the duty of the State Board of Charities, within ninety days after the opening of the Columbus Hospital for the Insane, to report by name, with so much of the personal history as may be deemed important, of all insane inmates of county infirmaries who have been declared insane by inquest of lunacy according to law, to the Superintendent of the Hospital for the Insane in the District in which said

county may be located, who is hereby required, as soon thereafter as practicable, to receive said patients without any further proceedings being had.

Provided, That in each Hospital for the Insane fifty beds shall be reserved for the reception of recent cases at the time this resolution takes effect, and also that if the quotas of such county shall be more than filled by such transfer of these inmates and the Hospital be filled, then such patients whose disease is complicated with epilepsy shall not be so transferred.

Be it further resolved, That from and after the expiration of said ninety days it shall not be competent for Directors of County or City Infirmaries to receive to the care of such institutions any insane person whatever for any period of time beyond what may reasonably be required to secure the transfer of such insane persons to the State Hospital for such district, unless by written permission of the State Board of Charities whenever they shall consider it for the best interest of any patient that he shall remain in said infirmary.

Be it further resolved, That at any time when it shall become necessary for the accommodation of recent cases of insanity (as provided by law) in any State Hospital to remove chronic cases therefrom, all such chronic cases shall be sent to the care of the Northwestern Hospital for the Insane under such conditions as have heretofore existed with the Commissioners of Lucas county, it being distinctly understood that only such chronic cases are included that would otherwise go to the County Infirmaries, and not those who can be cared for by their friends.

Be it further resolved, That in order to carry out the instructions of this resolution, the Superintendent of each Hospital for the Insane shall be required to report to the State Board of Charities the total capacity of the Hospital, including the number of rooms for single patients and the number in associated dormitories, at the ratio of one patient to each five hundred cubic feet of space, and also the quota of each county in the district in which said Hospital is attached.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 20, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Lucas, Burress, Burrows, Curtiss, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Lewis, Miller, Owens, Reese, Rukenbrod, Schenck, Spangler, Stickney, Stokes and Williams—20.

So the resolution was adopted.

Mr. Johnston, on leave, offered the following joint resolution:

S. J. R. No. 68—*Resolved by the General Assembly of the State of Ohio*, That there be printed of the sixth volume of the final report of the Geological Corps of Ohio, (being volume III, Geology), twenty thousand copies, with such maps, plates and sections as are prepared to illustrate the report, the printing to be in the best style, on good paper, in royal octavo, and bound in muslin; two hundred and fifty copies for the Geological Corps, two hundred and fifty copies for the Geological Board, five hundred copies for the State Library, and the remaining for the present General Assembly, to be divided equally among the members thereof and sent to them as soon as printed and bound. To determine what number of such reports are to be printed in German, it shall be the duty of the Secretary of State to ascertain from each member of this General Assembly, also from the Geological Corps, Geological Board and State Librarian, what number of reports they are entitled to receive,

they wish in the German language. The aggregate amount so determined shall be the number authorized to be printed in German and they shall be distributed accordingly. That there shall be deposited in the Township Library in each county of the State of Ohio, one copy of this report, by the member representing the same in this General Assembly at the time of their distribution.

Resolved, That the joint resolution relative to the printing and distribution thereof, adopted March 30, 1875, be and the same is hereby rescinded.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—31.

So the resolution was adopted.

On motion of Mr. Brown of Ross, S. B. No. 412—To authorize the authorities of the city of Portsmouth to purchase certain territory and buildings thereon for certain purposes, and to issue bonds to pay for the same, was taken from the table.

On motion of Mr. Brown of Ross, the bill was laid on the table.

On motion of Mr. Burns, H. B. No. 766—To amend, revise, and consolidate the Statutes relating to crimes, and repeal certain acts therein named, was taken from the table.

The bill was ordered to be read the third time.

After some time spent in the third reading of the bill, Mr Andrews moved that bill be laid on the table.

Which was agreed to.

Mr. Hudson, on leave, submitted the following report:

The select committee of two to whom was referred S. B. No. 418—To authorize the transfer of certain funds therein named, now in the treasury of the city of Fremont, county of Sandusky, State of Ohio, having had the same under consideration, report it back and recommend its passage.

JNO. H. HUDSON,
GEO. W. ANDREWS.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Brown of Ross, on leave, submitted the following report:

The standing committee on Agriculture to whom was referred H. B. No. 822—For the relief of the Mercer County Agricultural Society, having had the same under consideration, report it back without recommendation.

A. L. BROWN, A. M. BURNS,
H. KESSLER, A. SPANGLER,
A. R. HAINES.

The bill was ordered to be read the third time to-morrow.

Mr. Johnston, on leave, submitted the following report:

The standing committee on Roads and Highways to whom was referred H. B. No. 545—To provide for the use of plats, profiles and surveys in

preliminary proceedings for road improvements, having had the same under consideration, report it back, and recommend its passage.

J. R. Johnston, A. Spangler,
A. L. Brown, J. B. Williams,
M. Kent.

The bill was ordered to be read the third time to-morrow.

Mr. Lewis, on leave, submitted the following report:

The select committee to whom was referred S. B. No. 252, reports it back with the following amendments, and recommend its passage when so amended:

In section 1, line 5, strike out the word "number" and insert in lieu thereof the word "grade."

In section 2, line 5, strike out all after the word "when" to the word "year" in line 6, and insert the following:

"New classes are formed within a."

After the word "year" in line 6, insert "from publication of the same."

In section 5, line 4, strike out the word "two" and insert "ten."

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Burns, on leave, submitted the following report:

The standing committee on Municipal Corporations to whom was referred S. B. No. 417—To require Inn keepers and Boarding house keepers to provide suitable and efficient fire escapes, having had the same under consideration, report it back, with the following amendment, and recommend its passage when so amended:

In section 3, line 3, strike out the words "not less than."

A. M. Burns, W. Miller,
J. C. Schenck, T. P. Brown,
H. Kessler.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Spangler, on leave, submitted the following report:

The standing committee on Agriculture to whom was referred H. B. No. 484—To prevent the spread of Canada thistles, having had the same under consideration report it back and recommend its passage.

A. Spangler, A. L. Brown,
A. M. Burns, H. Kessler.

The bill was ordered to be read the third time to-morrow.

H. B. No. 766—To alter and amend the Statutes, was taken from the table and its third reading ordered to be proceeded with.

After some time spent in the third reading of the bill it was laid on the table.

Mr. Burns moved that the Senate take a recess until 8 o'clock P. M.

Which was disagreed to.

Mr. Andrews, on leave, submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 407—To amend section 313 of the code of civil procedure as amended March 26, 1875, (O. L. vol. 75, p. 77), having had the same under consideration, report it back and recommend its passage.

J. H. Bates, Jas. W. Owens,
Geo. W. Andrews, W. R. Warnock,
N. P. Burress.

The bill was ordered to be engrossed and read the third time to-morrow.
On motion of Mr. Lewis, the Senate adjourned.
Attest: J. C. DONALDSON, *Clerk.*

TUESDAY, APRIL 24, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.
Prayer by Rev. John Hawker, of Galion.
The Journal was read and approved.
H. B. No. 607—To amend, revise, and consolidate the statutes relating to crimes and repeal certain acts therein named, to be known as title one, crimes and offenses, part four, of the act to revise and consolidate the general statutes of Ohio—the special order for this hour, was taken up for further consideration.
Mr. Johnston moved that the bill be referred to a select committee of one with instructions to amend as follows:
In line 6, of section 12, of chapter 6, between the words "duty" and "shall," insert the following, "or engages in or suffers others in his employ to engage in any business prohibited by law.
Which was agreed to.
Mr. Johnston was appointed such select committee.
Mr. Johnston, on leave, submitted the following report:
The select committee of one, to whom was referred H. B. No. 607, with instructions to amend, reports the same back amended as instructed.

J. R. JOHNSTON.

Mr. Lewis moved that the bill be referred to a select committee of one with instructions to amend as follows:
In chapter 4, section 15, after the word "thereof," in line 4, insert "or any officer, agent, clerk or servant of any board of education."
Which was agreed to.
Mr. Lewis was appointed such select committee.
Mr. Lewis, on leave, submitted the following report:
The select committee of one, to whom was referred H. B. No. 607 with instructions to amend, reports the same back amended as instructed.

E. C. LEWIS.

Mr. Monahan moved that the bill be referred to a select committee of one, with instructions to amend as follows:
In chapter 3, section 8, 9th line, strike out all after the word "year," in said section except "reference."
Which was agreed to.
Mr. Monahan was appointed shuch select committee.
Mr. Monahan, on leave, submitted the following report:
The select committee of one, to whom was referred H. B. No. 607, with instructions to amend, reports the same back amended as instructed.

I. T. MONAHAN.

Mr. Beatty moved that the vote whereby the bill was referred to Mr Lewis, as a select committee of one, with instructions to amend, be reconsidered.
Which was disagreed to.

Mr. Burress moved that the bill be referred to a select committee of one with instructions to amend as follows:

Transpose the words "or gas works" in amended section 7, line 3, to the 4th line, after the word "refinery."

Which was agreed to.

Mr. Burress was appointed such select committee:

Mr. Burress, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 607, with instructions to amend, reports the same back amended as instructed.

N. P. Burress.

Mr. Curtiss moved that the bill be referred to a select committee of one, with instructions to amend as follows:

After the word "gas works," in line 4, section 7, chapter 7, insert "or any whey or filthy drainage from a cheese factory."

Which was agreed to.

Mr. Curtiss was appointed such select committee.

Mr. Curtiss, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 607, with instructions to amend, reports the same back amended as instructed.

H. W. Curtiss.

Mr. Beatty moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section 9, line 4, of chapter 7, after the word "or," strike out the word "into."

Which was agreed to.

Mr. Beatty was appointed such select committee

Mr. Beatty, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 607, with instructions to amend, reports the same back amended as instructed.

Wm. W. Beatty.

Mr. Monahan moved that the bill be referred to a select committee of one with instructions to amend as follows:

In chapter 8, section 7, strike out the words "except games of ath ic exercise, and insert "for a wager."

Which was agreed to.

Mr. Monahan was appointed such select committee.

Mr. Monahan, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 607, with instructions to amend, reports the same back amended as instructed.

I. T. Monahan.

On motion of Mr. Burrows the Senate took a recess.

THREE O'CLOCK P. M.

Mr. Spangler moved that the bill be referred to a select committee of one with instructions to amend as follows:

In section 29, chapter 8, line 1, after the word "lawn," add "cemetery park."

In line 4, between the words "another" and "shall," insert "or any charitable institution."

Which was agreed to.

Mr. Spangler was appointed as such select committee.

Mr. Spangler, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 607, with instructions to amend, reports the same back amended as instructed.

A. SPANGLER.

Mr. Swan moved that the bill be referred to a select committee of one with instructions to amend as follows:

In amended section 30, chapter 8, after the word "December," in line 3, section 30, chapter 8, strike out the words "or at any time when there is sufficient snow on the ground to trail or track."

Which was agreed to.

Mr. Swan was appointed such select committee.

Mr. Swan, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 607, with instructions to amend, reports the same back, amended as instructed.

C. J. SWAN.

Mr. Rukenbrod moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In chapter 8, page 51, amended section 35, after the word "minnows," in line 7, insert the following, "or owns or possesses any fish pound or fish trap in, or connected with any watercourse, natural or artificial."

Mr. Rukenbrod was appointed such select committee.

Mr. Rukenbrod, on leave, submitted the following report:

Which was agreed to.

The select committee of one, to whom was referred H. B. No. 607, with instructions to amend, reports the same back amended as instructed.

J. K RUKENBROD.

Mr. Burns moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Strike out of line 4, of section 9, chapter 6, the word "knows," and insert in lieu thereof the words "has reason to believe;" also, insert the word "or" in line 6, between the words "court" and "being."

Mr. Burns was appointed such select committee.

Mr. Burns, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 607, with instructions to amend, reports the same back amended as instructed.

A. M. BURNS.

Mr. Burress moved that the bill be referred to a select committee of one whith instructions to amend as follows:

1st—In section 11. p. 14, in line 7, after the word "employment," insert the following, "or which shall come into his possession and be accepted by him independent of and aside from his said employment."

2d—In line 13, same section, after the word "employment," insert "or which shall come into his possession and be accepted by him independent of and aside from his said office and employment.

Which was agreed to.

Mr. Burress was appointed such select committee.

Mr. Burress, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 607, with instructions to amend, reports the same back, amended as instructed.

N. P. BURRESS.

Mr. Burns moved that the bill be referred to a select committee of one with instructions to amend as follows:

On page 66, chapter 10, strike out section 6, and insert the following:

"SEC. 6. Whoever gives, offers, or promises any thing to any elector, to influence him in giving his vote or ballot, or uses any threat or force to procure any such elector to vote contrary to his inclination, or to deter him from giving his vote or ballot, shall be fined not more than five hundred dollars, and imprisoned not more than six months; and, if a candidate, and elected to any office, he may be removed from such office by order of the court, (50 v. 311, sec. 38, S. & C., 540; 39 v. 13, sec. 11, S. & C., 545)."

Which was agreed to.

Mr. Burns was appointed such select committee.

Mr. Burns, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 607, with instructions to amend, reports the same back amended as instructed.

A. M. BURNS.

Mr. Monahan moved that the bill be referred to a select committee of one with instructions to amend as follows:

Chapter 8, section 8, 11th line, strike out "except games of athletic exercise," and insert "for a wager."

Which was agreed to.

Mr. Monahan was appointed such select committee.

Mr. Monahan, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 607, with instructions to amend, reports the same back amended as instructed.

I. T. MONAHAN.

Mr. Owens moved that the bill be referred to a select committee of one with instructions to amend as follows:

Strike out section 7, chapter 10, and insert in lieu thereof the following:

SEC. 7. Whoever votes in any election precinct in which he has not actually resided for twenty days next preceding the election, or into which he shall have come for temporary purposes merely, shall be fined not more than five hundred nor less than two hundred dollars, or imprisoned not more than six nor less than three months, (73 vol. 155, § 4).

Which was agreed to.

Mr. Owens was appointed such select committee.

Mr. Owens, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 607, with instructions to amend, reports the same back amended as instructed.

JAS. W. OWENS.

Mr. Owens moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Strike out section 11, chapter 10, and in lieu thereof insert the following: "Section 11. Whoever votes at any election, not having been a resident of this State for one year immediately preceding the election, or not being twenty-one years of age, knowing that he is not of full age, or

not being a citizen of the United States, knowing that he is not such citizen, or being disqualified by a conviction of crime, and not pardoned and restored to all the rights of a citizen, shall be imprisoned not more than six months nor less than one month, (39 v. 13, sec. 8; S. & C. 544.)

Which was disagreed to.

On motion of Mr. Johnston, said vote was reconsidered.

The motion to refer was agreed to.

Mr. Owens was appointed such select committee.

Mr. Owens, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 607, with instructions to amend, reports the same back amended as instructed.

JAMES W. OWENS.

Mr. Johnston moved that said bill be referred to a select committee of one, with instructions to amend as follows:

Page 67, strike out section 12, of chapter 10, and insert in lieu thereof the following: "Section 12. Whoever counsels or advises another to give his vote, knowing that he has not been a resident of this State for one year immediately preceding the election, or that at the time of the election he is not twenty-one years of age, or that he is not a citizen of the United States, or that, by reason of other disability, he is not duly qualified to vote at the place where or the time when the vote is to be given, shall be fined not more than five hundred nor less than one hundred dollars, and imprisoned not more than six months nor less than one month," (39 v. 13, sec. 9; S. & C. 544.)

Which was agreed to.

Mr. Johnston was appointed such select committee.

Mr. Johnston, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 607, with instructions to amend, reports the same back amended as instructed.

J. R. JOHNSTON.

Mr. Monahan moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Chapter 8, section 13, line 4, strike out "one," and insert "five."

On which motion the yeas and nays were taken, and resulted—yeas 5, nays 17, as follows:

Those who voted in the affirmative were

Messrs. Burrows, Ellis, Haines, Hudson and Monahan—5.

Those who voted in the negative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Burns, Johnston, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Rukenbrod, Spangler, Swan and Williams—17.

So the motion was disagreed to.

Mr. Burrows moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Insert in line 3, section 11, of chapter 9, after the word "female," the following words: "or cautions females against their use when in a condition of pregnancy."

Which was agreed to.

Mr. Burrows was appointed such select committee.

Mr. Burrows, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 607, with instructions to amend, reports the same back amended as instructed.

S. S. BURROWS.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 32, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Swan, Warnock and Williams—32.

So the bill passed. The title was agreed to.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled, the following bill and joint resolution:

S. B. No. 247—Supplementary to the act relating to cities of the first-class.

S. J. R. No. 66—Directing the Secretary of State to return to chairman of joint committee on Enrollment S. B. No. 247.

C. J. Swan, H. V. Kerr,
E. C. Lewis, T. P. Brown,
Thos. S. Luccock.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker *pro tem.* of the House of Representatives has, in the presence of the House, signed the following bill and joint resolution:

S. B. No. 247—Mr. Bates—Supplementary to the act relating to cities of the first-class, having a population exceeding one hundred and fifty thousand inhabitants, passed May 4, A. D. 1869.

S. J. R. No. 66—Mr. Knox—Directing the Secretary of State to return to chairman of joint committee on Enrollment S. B. No. 247.

Attest: Wm. Leonard, *Clerk.*

The President, in the presence of the Senate, signed said bill and joint resolution.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled, the following bills and joint resolutions:

H. B. No. 744—To authorize the Commissioners of Miami county to levy a tax on certain townships and incorporated villages in said county for the payment of certain indebtedness.

H. B. No. 795—To authorize the Commissioners of Brown county to levy an additional tax for the payment of county expenses.

H. B. No. 798—To authorize the council of municipal corporations to require new bonds to be given by municipal officers in certain cases.

H. B. No. 769—To authorize the creation of a special school district in Harrison township, Scioto county, Ohio.

H. B. No. 569—Supplementary to an act entitled "An act to authorize the city council of the city of Hamilton to fill up a part of the canal basin in said city," passed April 27, 1872, (vol 69, O. L., 271), and an act supplementary to said act passed April 6, 1876, (vol. 73, Ohio Laws, 275.)

H. B. No. 740—To give greater security to preserve the purity of elections.

H. B. No. 554—Supplementary to the act for the establishment, sup-

port and regulation of Children's Homes in the several counties and children's homes districts in this State, and to repeal certain acts therein named, passed March 22, 1876, (Ohio Laws, vol. 73, p. 64.)

H. B. No. 716—To amend an act entitled "An act supplementary to an act entitled 'an act regulating the mode of administering assignments in trust for the benefit of creditors,'" passed April 6, 1859; passed March 31, 1876, (O. L., vol. 73, p. 101.)

H. B. No. 750—To authorize the Board of Public Works to construct a culvert under the Hocking Valley canal, near Lancaster, Fairfield Co.

H. B. No. 756—To authorize the council of the incorporated village of Berea, Cuyahoga county, State of Ohio, to transfer money from the general fund to the road fund, and for other purposes.

H. B. No. 849—To create two separate election precincts in Kirkwood township, Belmont county.

H. B. No. 816—To authorize the creation of a special school district in Rush township, Champaign county, Ohio.

H. B. No. 874—To authorize the city council of the city of Lancaster, Ohio, to issue bonds to fund its indebtedness.

H. B. No. 852—For the relief of Joseph McIlvane, treasurer of Scio special school district, North township, Harrison county, Ohio, and his sureties.

H. B. No. 628—Prescribing the fees of county Auditors, and to repeal certain acts therein named.

H. B. No. 837—Authorizing the creation of an additional sub-school district in Beaver Creek township, Greene county, Ohio.

H. B. No. 877—To authorize the incorporated village of Monroeville, Hunron county, Ohio, to borrow money for the purchase of a fire engine and apparatus, construction of cisterns, and the erection of an engine house.

H. J. R. No. 75—Giving the Adjutant General care and control of the flag room, flags, and the relics therein deposited.

H. J. R. No. 92—Providing for the care and treatment of insane convicts.

H. J. R. No. 100—Requiring the proceeds of the sale of certain lands to be placed to the credit of the fund of the Ohio Agricultural and Mechanical College.

H. J. R. No. 110—Providing for the sale of old furniture and carpets, now in possession of the Adjutant General, and belonging to the State.

H. B. No. 787—To authorize the Commissioners of Lawrence county to build a bridge across Ice creek in said county.

H. B. No. 426—To authorize the creation of a special school district in Goodhope township, Hocking county, Ohio.

E. L. Lybarger, J. W. Washburn,
Thos. S. Luccock, C. J. Swan,
T. P. Brown.

Mr. Lewis submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills and joint resolutions:

S. B. No. 276—To amend an act entitled "An act limiting the rate of taxation in municipal corporations," (O. L., vol. 73, p. 222.)

S. B. No. 190—To amend sections 534, 536 and 541 of an act to establish a code of civil procedure," passed March 11, 1853, (S. & C., pp. 1112 and 1115.)

S. B. No. 362—Amendatory of and supplementary to an act to enable trustees of religious denominations to become incorporated, and defining their powers, passed April 20, 1874.

S. B. No. 381—To authorize the trustees of Slankersville church union, in the township of Chippewa. in the county of Wayne, to sell the real estate belonging to said church union.

S. B. No. 157—To protect owners of real estate in remainder against waste committed thereon by tenants by the curtesy.

S. B. No. 383—Defining the jurisdiction of the Probate Court in the county of Mahoning, in minor criminal cases.

S. J. R. No. 43—Relative to the restoration of the silver dollar to its former rank as lawful money.

S. J. R. No. 63—Providing for binding in muslin the report of the Secretary of State for 1876.

S. B. No. 231—To authorize free banking.

E. C. Lewis, Thos. S. Luccock,
C. J. Swan, T. P. Brown.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed S. B.'s No.'s 420, 417, 416, 252, 407, and H. B.'s No.'s 478, 647 and 396.

Wm. W. Beatty,
H. V. Kerr,
J. C. Schenck.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives, has, in presence of the House, signed the following bills and joint resolutions:

H. B. No. 837—Mr. Barrett—Authorizing the creation of an additional sub-school district in Beaver Creek township, Greene county.

H. B. No. 816—Mr. Cowgill—To authorize the creation of a special school district in Rush township, Champaign county, Ohio.

H. B. No. 849—Mr. Cleaver—To create two separate election precincts in Kirkwood township, Belmont county.

H. B. No. 756—Mr. Breck—To authorize the Council of the incorporated village of Berea, Cuyahoga county, State of Ohio, to transfer money from the general fund to the road fund and for other purposes.

H. B. No. 716—Mr. Thresher—To amend an act entitled an act supplementary to an act entitled an act regulating the mode of administering assignments in trust for the benefit of creditors, passed April 6, 1859; passed March 31, 1876 (O. L., Vol. 73, p. 101).

H. B. No. 750—Mr. Seifert—To authorize the Board of Public Works to construct a culvert under the Hocking Valley canal, near Lancaster, Fairfield county.

H. B. No. 554—Mr. Hodge—Supplementary to the act for the establishment, support and regulation of children's homes in the several counties and children's home districts in this State, and to repeal certain acts therein named, passed March 22, 1876 (O. L., Vol. 73, p. 64).

H. B. No. 569—Mr. Neal—Supplementary to an act entitled an act to authorize the City Council of the city of Hamilton to fill up a part of

the canal basin in said city, passed April 27, 1872 (Vol. 69, O. L., 271), and an act supplementary to said act, passed April 6, 1876 (Vol. 73, O. L., 275).

H. B. No. 769—Mr. Sellards—To authorize the creation of a special school district in Harrison township, Scioto county, Ohio.

H. B. No. 795—Mr. Flaugher—To authorize the Commissioners of Brown county to levy an additional tax for the payment of county expenses.

H. B. No. 798—Mr. Neal—To authorize the Council of municipal corporations to require new bonds to be given by municipal officers in certain cases.

H. B. No. 744—Mr. Ullery—To authorize the Commissioners of Miami county to levy a tax on certain townships and incorporated villages in said county for the payment of certain indebtedness.

S. B. No. 157—Mr. Haines of Preble—To protect owners of real estate in remainder against waste committed thereon by tenants by the curtesy.

S. B. No. 362—Mr. Curtiss—Amendatory of and supplementary to an act to enable the trustees of religious denominations to become incorporated, and defining their powers, passed April 20, 1874.

S. B. No. 190—Mr. Haines of Preble—To amend sections 534, 536 and 541 of an act to establish a code of civil procedure, passed March 11, 1853 (S. & C., pp. 1112 and 1115).

S. B. No. 381—Mr. Ault—To authorize the Trustees of the Slankersville church union, in the township of Chippewa, in the county of Wayne to sell the real estate belonging to said church union.

S. B. No. 276—Mr. Brown of Lucas—To amend an act entitled an act limiting the rate of taxation in municipal corporations (O. L., Vol. 73, p. 222).

S. B. No. 383—Mr. Johnston—Defining the jurisdiction of the Probate Court in the county of Mahoning in minor criminal cases.

S. B. No. 231—Mr. Bates—To authorize free banking.

H. B. No. 787—Mr. Nigh—To authorize the Commissioners of Lawrence county to build a bridge across Ice creek in said county.

H. B. No. 426—Mr. Bowen—To authorize the creation of a special school district in Goodhope township, Hocking county, Ohio.

H. B No. 628—Mr. Oglevee—Prescribing the fees of County Audtiors, and to repeal certain acts therein named.

H. B. No. 746—Mr. Messer—Supplementary to an act entitled an act for the incorporation of townships, passed March 16, 1853.

H. B. No. 877—Mr. Converse—To authorize the incorporated village of Monroeville, in Huron county, Ohio, to borrow money for the purchase of a fire engine and apparatus, and construction of cisterns and erection of an engine house.

H. B. No. 874—Mr. Seifert—To authorize the City Council of the city of Lancaster, Ohio, to issue bonds to fund its indebtedness.

H. B. No. 852—Mr. Nixon—For the relief of Joseph McIlvane, treasurer of Scio special school district, North township, Harrison county, Ohio, and his sureties.

H. J. R. No. 92—Penitentiary Committee—Providing for the care and treatment of insane convicts.

H. J. R. No. 110—Mr. Zumstein—Providing for the sale of old furniture and carpets, now in the possession of the Adjutant General, and belonging to the State.

H. J. R. No. 75—Mr. Dalzell—Giving the Adjutant General care and control of the flag room, flags and other relics deposited therein.

H. J. R. No. 100—Mr. Baker of Perry—Requiring the proceeds of the sale of certain lands to be placed to the credit of the fund of the Ohio Agricultural and Mechanical College.

S. J. R. No. 63—Mr. Rukenbrod—Providing for binding in muslin the report of the Secretary of State for 1876.

S. J. R. No. 43—Mr. Ransom—Relative to the restoration of the silver dollar to its former rank as lawful money.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills and joint resolutions.

The following communication was received from the Governor:

MESSAGE FROM THE GOVERNOR.

STATE OF OHIO, EXECUTIVE DEPARTMENT.

COLUMBUS, 24TH DAY OF APRIL, 1877.

To the Senate:

I have the honor to nominate, and by and with the advice and consent of the Senate, appoint—

1st District, David Sinton, of Hamilton county;
2d. District, Christian Kinsinger, of Hamilton county;
3d. District, Cyrus Falconer, of Butler county;
4th District, R. P. Finley, of Greene county;
5th District, J. P. Schneider, of Auglaize county;
6th District, Wm. H. Scott, of Lucas county,
7th District, Harmon Hoover, of Ross county;
8th District, A. C. Duel, of Champaign county;
9th District, T. C. Jones, of Delaware county;
10th District, Warren P. Noble, of Seneca county;
11th District, Ralph Leete, of Lawrence county;
12th District, Joseph Sullivant, of Franklin county;
13th District, D. W. Caldwell, of Muskingum county;
14th District, Thomas Mickey, of Richland county;
15th District, A. W. Glazier, of Washington county;
16th District, J. B. Jamison, of Harrison county;
17th District, A. B. Cornell, of Mahoning county;
18th District, C. W. Horr, of Lorain county;
19th District, E. F. Ensign, of Lake county;
20th District, W. S. Streator, of Cuyahoga county;
To be Trustees of the Ohio Agricultural and Mechanical College.

Very Respectfully,

THOS. L. YOUNG, *Governor.*

Referred to the committee on Colleges and Universities.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 288—Mr. Swan—To amend section seven of an act entitled "An act establishing Boards of County Commissioners and prescribing their duties," passed March 12, 1853, as amended March 30, 1868, (Swan & Sayler, page 89).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 410—Mr. Burns—To authorize the Trustees of Jefferson township, Richland county, Ohio, to join with the Council of the incorporated village of Bellville, in the construction of a town hall for the joint use of said township and village.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 358—Mr. Burns—To authorize the transfer of certain funds therein named, now in the treasury of the incorporated village of Lexington, Richland county.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 347—Mr. Monahan—To authorize the Commissioners of Jackson county to transfer certain funds to the poor funds of said county.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 359—Mr. Kent—To amend an act amendatory to an act entitled "An act for the reorganization of common schools," passed March 1, 1873, (O. L., vol. 72, p. 45).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 743—Mr. McLain—To create a Special School District in Mesopotamia township, Trumbull county.

Attest: WM. LEONARD, *Clerk*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives accedes to the request of the Senate for the return of—

H. B. No. 682—Mr. West—To authorize the building of a public hall in Milford precinct, Miami township, Clermont county, Ohio.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 332—Mr. Brown of Lucas—Supplementary to an act entitled "An act to amend sections 97, 643, 649, 650 and 656 of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869, (vol. 66, p. 165), and section 663 of said act, as amended April 18, 1870, (vol. 67, p. 85)," passed April 8, 1876, (vol. 73, p. 125).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker has appointed as a conference committee on matters of difference between the two Houses on—

H. B. No. 853—Mr. Howland—Relating to certain proposed amendments to the constitution, and the publication thereof, Messrs. Monahan, Carson and Edwards.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 798—Mr. Neal—To authorize the Council of municipal corporations to require new bonds to be given by municipal officers in certain cases.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in the passage of—

S. B. No. 106—Mr. Hudson—For the relief of certain members of the band of the sixty-seventh regiment Ohio volunteers.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 275—Mr. Sage—For the relief of Albert A. Selkirk, treasurer of Plain township, Wood county, Ohio.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 829—Mr. Watson—To amend section thirty-three of an act for opening and regulating roads and highways, passed January 27, 1853, (S. & C. pp. 1297-8).

H. B. No. 778—Mr. Barclay—To amend sections 1, 2, 3, 4 and 7 of an act to regulate the sale of mineral oils, and other substances for illuminating purposes, and to repeal certain enactments therein named, passed April 16, 1867, (S. & S., 402), and as amended April 27, 1872, (vol. 69).

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bill has been introduced in the House of Representatives and read the first time:

H. B. No. 901—Mr. Watson—To authorize and regulate the sale of a certain lot of vacant land owned by the State, on East Broad street, Columbus, Ohio, and which is now a source of expense to the State treasury, and prescribing the disposition of the proceeds thereof.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 792—Mr. Howland—To authorize the building of a town hall in the village of Jefferson, Ashtabula county.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 902—Mr. Sellards—To authorize the judges of the seventh judicial district to hold an extra term of the District Court in Scioto county.

H. B. No. 903—Mr. Howland—To authorize the Commissioners of Ashtabula county to build a barn on the Infirmary farm, in place of one lately burned down.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 689—Mr. Tnresher—To authorize the city of Dayton to build and maintain stationary bridges across the Mad River Feeder of the Miami and Erie canal.

H. J. R. No. 82—Mr. Howland—Relating to fees of Wm. M. Ampt.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 805—Mr. Oglevee—Supplementary to an act entitled "An act to provide for the organization and government of municipal corporations, authorizing certain cities therein named to construct certain improvements therein named, and to issue bonds for the payment of the same.

H. B. No. 797—Mr. Beach—To authorize the Trustees of Darby township, Madison county, to transfer certain funds mentioned therein.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 130—Mr. Brunner—Providing for the printing and distributing the journals of the General Assembly, and the laws and public documents, and repeal certain acts therein named.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 734—Mr. Wiltsee—To amend section three of an act entitled "An act to provide for the safety of persons attending public assemblies," passed April 13, 1865, (S. & S., p. 636).

H. B. No. 873—Mr. Toberen—For the relief of J. D. Phillips, treasurer of Hicksville Special School District.

H. B. No. 855—Mr. Brunner—To create a Special School District in Richland township, Wyandot county, and to authorize the Board of Education of said township to transfer certain funds to the Board of Education of said Special District.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has concurred in the passage of—

S. B. No. 372—Mr. Stanton—To create a Special School District in Marion township, Morgan county, Ohio,

With the following amendments, in which the concurrence of the Senate is requested:

Add at the end of section four the following: "Also, its proportion of township school funds, known as 'section sixteen fund.'"

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendment, the yeas and nays were taken and resulted--yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston Kent, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Reese Rukenbrod, Schenck, Spangler, Stanton, Stickney, Swan Warnock and Williams—30.

So the amendment was concurred in.

On motion of Mr. Monahan, S. B. No. 412—To amend sections 243 and 244 of an act entitled "An act to establish a code of civil procedure," passed March 11, 1853, (S. & C., vol. 2, page 1017)—was taken from the table.

Mr. Burress moved the bill be referred to a select committee of one with instructions to amend as follows: In line three, section one, strike out the word "is" and insert the word "are."

Which was agreed to.

Mr. Burress was appointed such select committee.

Mr. Burress, on leave, submitted the following report:

The select committee of one to whom was referred S. B. No. 412, with instructions to amend, reports the same back amended as instructed.

N. P. BURRESS.

Mr. Knox moved that the bill be referred to a select committee of one with instructions to amend as follows:

Insert at the end of section three the following: "Provided, that the railroad company using either, under lease, or otherwise, the said property, or any part thereof, shall pay to the city of Portsmouth not less than seven per cent. in money, annually, of the amount of the purchase

money of said property, or of such part thereof as may be used by the railroad company."

Which was agreed to.

Mr. Knox was appointed such select committee.

Mr. Knox, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 412, with instructions to amend, reports the same back amended as instructed.

SAMUEL KNOX.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 34, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—34.

Mr. Stanton voted in the negative—1.

The bill passed. The title was agreed to.

H. B. No. 647—To authorize the election of one additional Judge of the Court of Common Pleas in the third subdivision of the sixth judicial district of the State of Ohio.

Was read the third time.

Mr. Knox moved that the bill be laid on the table.

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 25, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Ellis, Haines, Hudson, Johnston, Kerr, Kessler, Lewis, Miller, Monahan, Owens, Philson, Reese, Schenck, Sheridan, Stickney, Swan, Warnock and Williams—25.

Those who voted in the negative were—

Messrs. Curtiss, Knox, Rukenbrod, Spangler and Stanton—5.

So the bill passed. The title was agreed to.

Mr. Bates moved that S. B. No. 264—Supplementary to an act passed April 11, 1876, (O. L., vol. 73, p. 169), to amend section seven of an act to authorize the County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act named therein, as passed March 29, 1867, be taken from the table.

Which was disagreed to.

H. B. No. 809—To authorize the Trustees of Shalersville township, Portage county, to levy a tax for certain purposes mentioned therein.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Owens, Philson, Reese, Rukenbrod, Spangler, Stickney, Stokes, Swan, Warnock and Williams—29.

So the bill passed. The title was agreed to.

On motion of Mr. Knox, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

WEDNESDAY, APRIL 25, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.
The Journal was read and approved.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 411—Mr. Johnston—To authorize the Trustees of Canfield township, Mahoning county, Ohio, to issue bonds for the purpose of repairing buildings, purchasing sites, and erecting buildings thereon, and otherwise contributing to the establishment and support of a normal school in said township.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused concur in the passage of—

S. B. No. 199—Mr. Bates—To provide for the purchase and distribution of the four volumes of J. R. Sayler's Statutes of Ohio, from 1860 to 1875.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 739—Mr. Bohl—To make silver coin a legal tender in the State of Ohio.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 326—Mr. Schenck—To amend section 17 of an act entitled "An act authorizing the election of a Board of Police Commissioners, and consolidating the same with the Board of Health in cities of the first class with a population of less than one hundred and fifty thousand and over ninety thousand inhabitants at the last federal census, and to repeal certain acts, (Ohio Laws, volume 73, page 47).

With the following amendments in which the concurrence of the Senate is requested:

Amend title by inserting after the word "seventeen" the words "and eighteen."

Section 1, line 2, after the word "seventeen" insert the words "and eighteen;" and at the end of word "section," same line, add letter "s."

After section seventeen add the following:

SEC. 18. It shall be the duty of the Board of Police to provide, when it shall be required, at the expense of the said city or cities, all necessary accommodations, within such precincts as shall be contained within the boundaries of said city or cities, for the station house required by the Board of Police, for the accommodation of the Police Force of such precinct, for the lodging of vagrant or disorderly persons, and for the temporary detention of persons arrested for offenses or held as witnesses. The power of purchasing lands for Police purposes, and the supervision and control of the erection, building, altering or repairing any of said station houses or buildings, shall be solely vested in the Board of Police Commissioners, and all expenses incurred for the above purposes, shall be paid out of the Police Court funds of said cites, after the same shall have been approved by the Board of Police, and duly certified to the City Auditor, who shall place the same in the next ordinance for the payment of claims, provided that all contracts exceeding five hundred dollars in amount, payable out of said Police Court fund, the approval of the City Council shall first be obtained; and provided further, that no greater amount shall be expended for the purposes aforesaid, by said Board, in any one year, than an amount equal to the sum that shall have been paid into said fund, after the payment of the salaries of the Police Judge, Prosecuting Attorney of Police Courts, Police Clerk and Deputy Police Clerks of said cities, unless such expense shall previously have been authorized by the City Council, and provisions made for its payment. No Commissioner or other officer of the Board, or employe of the Department, shall be interested in any contract connected with the Police Department. At least ten days' notice shall be given in some newspaper of general circulation in such cities of the first class, of the reception of the proposals for the performance of any contract exceeding five hundred dollars in amount, and said contract shall be awarded to the best and lowest bidder, who shall furnish satisfactory security for the performance of the same, and all contracts for the purposes aforesaid, exceeding five hundred dollars in amount, shall be subject to the approval of the City Council. It shall also be the duty of the Board to furnish the buildings aforesaid suitably, and warm and light the same by day and night, and in every case of arrest the same shall be made known to the Captain or Lieutenant upon duty in the precinct wherein such arrest was made, by the person making the same, and it shall be the duty of said Captain or Lieutenant, as soon as practicable after such notice, to make written return thereof, according to the rules and regulations of the Board of Police, together with the name of the parties arrested, the offense, the place of arrest and the place of detention. All persons arrested by the officers or members of the Police Force, shall be detained, while in their custody, only in places provided for that purpose, and no trial or examination of any person arrested shall be held in the office of the Superintendent of the Police, or of the Board, but the person so arrested shall be examined in the Police Court of said city or cities, duly in session, before the Police Judge, or in the absence of the Judge, before the person acting in such capacity. Necessary and usual articles of clothing or personal apparel upon the person or in possession of persons arrested and detained, shall not be taken or seized by the Police, unless there be reason to suspect that the clothing has been stolen or obtained unlawfully. The Board of Police shall provide suitable accommodations, within said city or cities, for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings, and

such accommodations shall be in apartments other than those employed for the confinement of persons charged with crime, fraud or disorderly conduct; and it shall be the duty of the Police Judge, in committing witnesses, to have regard to the rules and regulations, of the Board of Police, in respect to their detention. Every person arrested by the Police, charged with the violation of any city ordinance, may give special bail for his appearance, to answer to such charge, and the officer in charge of the precinct when such arrest is made, is authorized to accept such bail, but no member of the Police Force shall become or furnish bail for any person arrested.

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken and resulted—yeas, 32, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—32.

So the amendments were concurred in.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 903—Mr. Howland—To authorize the Commissioners of Ashtabula county to build a barn on the Infirmary farm, in place of one lately burned down.

Attest: WM. LEONARD, *Clerk.*

The bill was read the first time.

Mr. Burrows moved that the constitutional rule requiring bills to be read on three different days be dispensed with and said bill be read the second time.

On which motion the yeas and nays were taken, and resulted, yeas 26, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Schenck, Stickney, Stokes and Williams—26.

Those who voted in the negative were—

Messrs. Spangler, Stanton and Swan—3.

So the motion was disagreed to.

H. B. No. 876—To consolidate, revise and amend the statutes relating to jails and the penitentiary, to be known as part 2, title 3, jails and penitentiary—

Was read the second time and referred to the committee on Judiciary.

Mr. Burns moved that H. B. No. 766—To revise, alter and amend the the statutes—be taken from the table.

Which was agreed to.

The bill was read the third time.

Mr. Swan moved that the bill be referred to a select committee of one with instructions to amend as follows:

In section 24, chapter 7, page 155. strike out all of said section 24 as amended, and in lieu thereof insert the following:

"SEC. 24. The Warden shall allow so much of the cost bill and charges for transportation as he finds to be correct, and shall certify such allowance, and the amount allowed shall be paid by the State. (57 vol. 55, section 1, S. & C., 1184; 73 vol. 43, section 35)."

Which was agreed to.

Mr. Swan was appointed such select committee.

Mr. Swan, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 766, with instructions to amend, reports the same back amended as instructed.

C. J. SWAN.

Mr. Swan moved that the bill be referred to a select committee of one, to amend as follows:

At the close of section 1, chapter 9, add the following additional section, to-wit:

"SEC. 2. This act shall take effect and be in force from and after July 1, 1877."

Which was agreed to.

Mr. Swan was appointed such select committee.

Mr. Swan, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 766, with instructions to amend, reports the same back amended as instructed.

C. J. SWAN.

Mr. Johnston moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In line 13, section 2, chapter 5, after the word "convicted" add the following: "At the next term of said court thereafter."

Which was agreed to.

Mr. Johnston was appointed such select committee.

Mr. Johnston, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 766, with instructions to amend, reports the same back amended as instructed.

J. R. JOHNSTON.

Mr. Monahan moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Chapter 5, section 6, after the word "prosecution," last line, insert: "and no compensation shall be allowed in any case except as provided in section 7."

Which was agreed to.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Owens, Philson Ransom, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—28.

So the bill passed. The title was agreed to.

On motion of Mr. Monahan, the Senate took a recess.

THREE O'CLOCK P. M.

Leave of absence was granted Mr. Burress until Friday next.

Mr. Monahan moved that the vote whereby S. B. No. 412 was passed, be reconsidered.

Which was agreed to.

Mr. Knox moved that the vote whereby said bill was referred to himself as a select committee of one with instructions to amend be reconsidered.

Which was agreed to.

Mr. Stanton moved that said bill be laid on the table.

Which was disagreed to.

The question being on the motion of Mr. Knox to refer—

Mr. Monahan moved that the instructions be amended as follows:

Insert the following as a substitute for said instructions: "Provided, That the said railroad company or companies shall pay to the authorities of said city an annual rental of a sum not exceeding eight per cent. per annum upon the cost of said property, and said property shall remain upon the tax duplicate, and said company or companies shall pay all taxes and assessments on said property.

Which was agreed to.

Mr. Monahan was appointed such select committee.

Mr. Monahan, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 412, with instructions to amend, reports the same back amended as instructed.

I. T. MONAHAN.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 24, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Burns, Burress, Haines, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Monahan, Owens, Philson, Reese, Spangler, Stickney, Stokes, Swan, Warnock and Williams—24.

Those who voted in the negative were—

Messrs. Brown of Ross, Knox, Rukenbrod and Stanton—4.

So the bill passed. The title was agreed to.

On motion of Mr. Burns, the vote whereby H. B. No. 607—To amend, revise and consolidate the statutes relating to crimes and repeal certain acts therein named, was passed, was reconsidered.

Mr. Swan moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In chapter 12, section 2, strike out the words, "its passage," and insert the words, "July 1, 1877."

Which was agreed to.

Mr. Swan was appointed such select committee.

Mr. Swan, on leave, submited the following report:

The select committee of one. to whom was referred H. B. No. 607, with instructions to amend, reports the same back amended as instructed.

C. J. SWAN.

The bill was laid on the table.

On motion of Mr. Kerr, H. B. No. 396—Supplementary to an act entitled an act to authorize the election of an additional Judge of the Court

of Common Pleas in the first sub-division of the fifth judicial district of the State of Ohio, passed April 20, 1871 (O. L., vol. 68, p. 68)—

Was taken up out of its order, read the third time, and laid on the table.

On motion of Mr. Warnock, H. B. No. 597—To amend section 436 of the code of civil procedure, as passed March 11, 1853, took effect June 1, 1853 (51 vol. stat. 57), as amended and took effect April 6, 1859 (56 p. 242, S. & C., p. 1074)—

Was taken from the table.

On motion of Mr. Warnock, the bill was laid on the table.

On motion of Mr. Burrows, S. B. No. 402—To amend sections 1, 2 and 3, and add sections 4, 5, 6 and 7 to an act to protect the citizens of Ohio from empiricism and elevate the standing of the medical profession, passed May 5, and took effect October 1, 1868 (62 vol. stat. 146)—

Was taken from the table.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 24, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault. Bates, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Lewis, Miller, Monahan, Philson, Reese, Schenck, Stanton, Stickney, Swan and Warnock—24.

Mr. Rukenbrod voted in the negative—1.

So the bill passed. The title was agreed to.

On motion of Mr. Burns, H. B. No. 607—To revise, alter and amend the Statutes relating to crimes, and to repeal certain acts therein named, was taken from the table.

Mr. Johnston moved that the bill be referred to a select committee of one, with instructions to amend as follows:

At the end of section 46 of chapter 8, add the following:

"And if by reason of a violation of this section any person be killed, the person in charge of such engine shall be liable to indictment, conviction and punishment for manslaughter."

Which was agreed to.

Mr. Johnston was appointed such select committee.

Mr. Johnston, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 607, with instructions to amend, reports the same back, amended as instructed.

J. R. Johnston.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Bates, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—29.

So the bill passed. The title was agreed to.

Mr. Stanton submitted the following report:

The committee of Conference to whom was referred the matters of difference on H. B. No. 853—Relating to certain proposed amendments to

the Constitution and the publication thereof, having had the same under consideration, submit the following report:

We recommend that the House concur in first and second Senate amendments.

That the third Senate amendments be amended by striking out the word "seventy" and inserting "sixty."

R. Stanton,
S. S. Burrows,
A. R. Haines,
Senate Committee.

A. B. Monahan,
D. J. Edwards,
J. M. Carson,
House Committee.

The question being on concurring in said report, the yeas and nays were taken, and resulted—yeas 23, nays 4, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Knox, Owens, Philson, Ransom, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—23.

Those who voted in the negative were—

Messrs. Andrews, Johnston, Monahan and Rukenbrod—4.

So said report was concurred in.

Mr. Brown of Ross, submitted the following report:

The committee of Conference on matters of difference between the Senate and House of Representatives on H. B. No. 46—To amend section 1 of an act passed March 27, 1875, (O. L., vol. 72. p. 85), entitled an act to amend section 1 of an act entitled an act to fix the rates of toll on turnpike and plank road companies, passed March 16, 1875, (S. & S., p. 147), having had the same under consideration, were unable to agree, and the committee therefore ask to be discharged, and recommend the appointment of another committee.

A. L. Brown,
J. R. Johnston,
J. B. Williams,
Senate Committee.

John C. Entrekin,
Elias Nigh,
House Committee.

The report was agreed to and the committee was discharged.

Bills were read the second time and referred as follows:

H. B. No. 830—To amend section 1 of an act to amend sections 1 and 4 of an act entitled an act to provide for the repair of free turnpike roads in certain counties, and to authorize the County Commissioners of any county in this State to constitute a Board of Directors to regulate the hauling of heavy burdens on any free turnpike or improved road, passed and took effect April 20, 1874, passed March 17, 1875, (O. L., vol. 72, p. 59,) passed April 3, 1876, (O. L., vol. 73, 151.)

To the committee on Roads and Highways.

H. B. No. 892—To authorize the Trustees and Board of Education of

Columbiana county, Ohio, to levy a tax to build a school house and town hall.

To the committee on Common Schools.

H. B. No. 823—For the relief of the Road Commissioners of the Marysville, New California and Franklin county line free turnpike.

To the committee on Roads and Highways.

H. B. No. 743—To create a special school district in Mesopotamia township, Trumbull county.

To the committee on Common Schools.

H. B. No. 829—To amend section 33 of an act for opening and regulating roads and highways, passed January 27, 1853. (S. & C. pages 1297–8).

To the committee on Roads and Highways.

H. B. No. 778—To amend sections 1, 2, 3, 4 and 7 of an act to regulate the sail of mineral oils, and other substances for illuminating purposes, and to repeal certain enactments therein named, passed April 16, 1867, (S. & S. 402), and as amended April 27, 1872, (vol. 69.)

To the committee on Manufactures and Commerce.

H. B. No. 275—For the relief of Albert A. Selkirk, treasurer of Plain township, Wood county, Ohio.

To the committee on Finance.

H. B. No. 805—Supplementary to an act entitled an act to provide for the organization and government of municipal corporations, authorizing certain cities therein named to construct certain improvements therein named, and to issue bonds for the payment of the same.

To the committee on Municipal Corporations.

H. B. No. 797—To authorize the Trustees of Darby township, Madison county, to transfer certain funds mentioned therein.

To the committee on Corporations other than Municipal.

H. B. No. 734—To amend section 3 of an act entitled an act to provide for the safety of persons attending public assemblies, passed April 13, 1865. (S. & S., p. 636.)

To the Committee on Municipal Corporations.

H. B. No. 873—For the relief of J. D. Phillips, treasurer of Hicksville special school district.

To the committee on Finance.

H. B. No. 855—To create a special school district in Richland township, Wyandot county, and to authorize the Board of Education of said township to transfer certain funds to the Board of Education of said special district.

To the committee on Common Schools.

H. B. No. 130—Providing for the printing and distributing the Journals of the General Assembly, and the laws and public documents, and repeal certain acts therein named.

To the committee on Public Printing.

H. B. No. 835—For the relief of the official sureties of Cortez Stephens, deceased, late treasurer of the township of Brunswick, Medina county, Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 22, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Curtiss, Haines, Hudson, Johnston, Kerr, Kleinschmidt, Miller, Monahan, Philson,

Reese, Schenck, Spangler, Stickney, Stokes, Swan, Warnock and Williams—22.

Those who voted in the negative were—

Messrs. Owens and Rukenbrod—2.

So the bill passed. The title was agreed to.

H. B. No. 848—To amend section 1 of an act entitled an act to authorize the Board of County Commissioners of Delaware county to levy a tax for the purpose of building a county jail in said county, passed and took effect, March 14, 1877.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty. Burns, Burrows, Curtiss, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Williams—26.

So the bill passed. The title was agreed to.

S. B. No. 420—To create a separate school district, composed of sections, 7 and 18, in Spencer township, and sections 8 and 17 in Amada township, in Allen county, Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Owens, Philson, Reese. Rukenbrod, Schenck, Spangler, Stanton, Stokes, Swan and Williams—25.

So the bill passed. The title was agreed to.

S. B. No. 418—To authorize the transfer of certain funds therein named now in the treasury of the city of Fremont, county of Sandusky, and State of Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Ross, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes and Williams—26.

So the bill passed. The title was agreed to.

Mr. Monahan moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section 2, line 8, strike out "fifty" and insert "ten."

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Bansom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Williams—27.

The bill passed. The title was agreed to.

S. B. No. 407—To amend section 313 of the code of civil procedure, as amended March 23, 1875.

Was read the third time.

Mr. Bates moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In line 48 after the word "therein" insert "provided such opposite party shall have testified on the trial when such oral testimony was given as to the matters contained in said oral testimony."

In the 38th line instead of "now" insert "nor."

Which was agreed to.

Mr. Bates was appointed such select committee.

Mr. Bates, on leave, submitted the following report:

The select committee of one to whom was referred S. B. No. 407, with instructions to amend, reports the same back amended as instructed.

J. H. Bates.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 24, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Bates, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stokes and Swan—24.

Those who voted in the negative were—

Messrs. Andrews and Beatty—2.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 902—Mr. Sellards—To fix the time for holding an additional term of the district court in Scioto county.

Attest: Wm. Leonard, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 898—Mr Richards—To amend section 4, chapter 1, of an act entitled "An act for the reorganization and maintenance of common schools," passed May 1, 1873.

Attest: Wm. Leonard, *Clerk.*

Said bill was read the first time.

Mr. Johnston submitted the following report:

The standing committee on Corporations other than Municipal, to whom was referred H. B. No. 844—To authorize the council of the incorporated village of New Washington, in Crawford county, to borrow

money for the construction of a lock-up and mayor's office—having had the same under consideration, report it back and recommend its passage.

W. R. Warnock, Geo. W. Andrews,
J. R. Johnston, R. E. Reese.

The bill was ordered to be read the third time to-morrow.

Mr. Kent submitted the following report:

The standing committee on Public Works, to whom was referred H. B. No. 799—To provide for the abandonment of a certain portion of the Hocking Canal, lying between the first lock below and east of Nelsonville and the village of Chauncy, Athens county, Ohio—having had the same under consideration, report it back and recommend its passage.

M. Kent, Wm. Miller,
R. Stanton, James W. Owens,
C. J. Swan.

The bill was ordered to be read the third time to-morrow.

Mr. Burns moved that the rule requiring the amendments to H. B. No. 766 to be printed, be suspended.

Which was agreed to.

Mr. Kessler submitted the following report:

The select committee of four, to whom was referred H. B. No. 595—To authorize the Board of County Commissioners of Hamilton county to extend Mitchel Avenue under the Miami and Erie Canal, and to levy a tax to defray the expense thereof—having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

Insert at end of section 1, "Provided, that no contract for construction of said tunnel shall be let except upon good and sufficient security by bond, in the sum of not less than $100,000 from parties worth, in the aggregate, in real property, over and above all liens, mortgages and other incumbrances, twice the amount of said bond; and that, among the conditions of said bond, it shall be provided that said tunnel shall be fully completed and handed over to the County Commissioners, fit and suitable in all respects to fill all the necessary conditions of a public tuneled roadway, and that the consideration to be paid therefor by the county of Hamilton, shall not exceed in amount the sum of money accruing from the levy herein provided for; and, provided further, that no payments, on account of said tunnel, shall be made or allowed until the whole work shall have been fully and entirely completed by the contractors, and so accepted by the County Commissioners.

H. Kessler,
Edward P. Ransom,
J. H. Bates.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Kleinschmidt submitted the following report:

The select committee of four, to whom was referred H. B. No. 521—For the relief of ex-overseers of the poor in certain cities of the first-class—report it back and recommend its passage.

E. F. Kleinschmidt, E. P. Ransom,
H. Kessler, J. H. Bates.

The bill was ordered to be read the third time to-morrow.

Mr. Ownes submitted the following report:

The standing committee on Common Schools, to whom was referred H. B. No. 779—To authorize the transfer of certain public lands in the village of Sunbury, Delawary county, Ohio, to the board of education of Sunbury special school district, Delaware county, Ohio—having had the same under consideration, report it back, and recommend its passage.

JAMES W. OWENS, W. R. WARNOCK,
EDWARD P. RANSOM, SAMUEL KNOX,
E. T. STICKNEY.

The bill was ordered to be read the third time to-morrow.

Mr. Owens submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 459—To authorize the Commissioners of the several counties in this State through which the Western Reserve and Maumee State road passes, to take under their care and control so much of said road as lies within the limits of such counties respectively– having had the same under consideration, report it back without recommendation.

J. H. BATES, JAMES W. OWENS,
GEO. W. ANDREWS, N. P. BURRESS,
W. R. WARNOCK, A. M. BURNS.

The bill was ordered to be read the third time to-morrow.

Mr. Burns submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 893—To authorize the building of a town hall in the consideration, report it back and recommend its passage.
village of east Liverpool, Columbian county—having had the same under

R. E. REESE, H. KESSLER,
JAMES W. OWENS, J. C. SCHENCK,
A. M. BURNS, T. P. BROWN.

The bill was ordered to be read the third time to-morrow.

Mr. Spangler submitted the following report:

The standing committee on Roads and Highways, to whom was referred H. B. No. 830—To amend section one of an act to amend sections one and four of an act entitled an act to provide for the repair of free turnpike roads in certain counties, and to authorize the County Commissioners of any county in this State to constitute a board of directors to regulate the hauling of heavy burdens on any free turnpike or improved road, passed and took effect April 20, 1874, passed March 17, 1875, (O. L., vol. 72, p. 57), passed April 3, 1876, (O. L., vol. 73, p. 151)—having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

Strike out all of section 1, engrossed bill, from line 3 to line 22, both lines inclusive, and insert the following:

"That by virtue of their office the Commissioners of any county having a population of more than 15,600, and less than 20,700; also, counties having a population of more than 20,749 and less than 21,750; also, counties having a population of more than 21,755, and less than 21,800; also, counties having a population of more than 21,920, and less than 28,000; also, counties having a population of more than 29,100, and less than 32,000; also, counties having a population of more than 32,100, and

less than 32,700, also, counties having a population of more than 39,900, and less than 40,600 at the last Federal census, are hereby constituted a board of turnpike directors under whose management and control all free turnpikes in such county shall be exclusively vested.

A. L. Brown, M. Kent,
A. Spangler, A. R. Haines,
J. R. Johnston.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Beatty submitted the following report:

The standing committee on Corporations other than Municipal to whom was referred H. B. No. 878—Supplementary to an act entitled "An act to amend sections 66, 67 and 70 of the act entitled 'an act to provide for the creation and regulation of incorporated companies in the State of Ohio,'" passed May 1, 1852, (Swan and Critchfield's stat., 305), and to repeal a certain act amendatory thereto, passed January 26, 1865, (Ohio Laws, volume 62, page 4); (Swan and Sayler, page 239)—having had the same under consideration, report it back and recommend its passage.

W. R. Warnock, Geo. W. Andrews,
W. W. Beatty, J. R. Johnston.

The bill was ordered to be read the third time to-morrow.

Mr. Schenck submitted the following report:

The standing committee on Municipal Corporations, to whom was referred S. B. No. 409—To authorize the board of water works trustees of the village of West Cleveland, Ohio, to issue bonds to the amount of eight thousand dollars—having had the same under consideration, report it back and recommend its passage.

J. C. Schenck, H. Kessler,
A. M. Burns, James W. Owens,
T. P. Brown.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Brown of Ross submitted the following report:

The standing committee on Roads and Highways, to whom was referred H. B. No. 823—For the relief of the road commissioners of the Marysville, New California and Franklin county line free turnpike—having had the same under consideration, report it back and recommend its passage.

A. L. Brown, A. R. Haines,
J. B. Williams, A. Spangler,
J. R. Johnston.

The bill was ordered to be read the third time to-morrow.

Mr. Kessler submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 872—To authorize the council of the incorporated village of Willoughby to issue bonds and borrow money to pay indebtedness, and for the purpose of completing the macadamizing of Erie street in said village—having had the same under consideration, report it back and recommend its passage.

H. Kessler, J. C. Schenck,
T. P. Brown, A. M. Burns.

The bill was ordered to be read the third time to-morrow.

Mr. Brown of Ross submitted the following report:

The Standing committee on Soldiers' and Sailors' Orphans' Home, and School for Imbecile Youth, to whom was referred H. J. R. No. 115—Relating to the claim of James B. Monroe—having had the same under consideration, report it back and recommend its indefinite postponement.

A. L. Brown, J. B. Williams,
J. K. Rukenbrod, A. M. Burns.

The resolution was indefinitely postponed.

Mr. Bates submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 109—Awarding damages to H. P. Clough and company—having had the same under consideration, report it back and recommend its passage.

Samuel Knox, J. H. Hudson,
J. H. Bates, Elias Ellis,
H. W. Curtiss.

The bill was ordered to be read the third time to-morrow.

Mr. Schenck submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 868—To authorize the council of the incorporated village of Brooklin, Cuyahoga county, State of Ohio, to transfer money from the cemetery fund to the corporation fund—having had the same under consideration, report it back and recommend its passage.

J. C. Schenck, James W. Owens,
T. P. Brown, H. Kessler,
A. M. Burns.

The bill was ordered to be read the third time to-morrow.

Mr. Schenck submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 886—To amend section 87 of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869, (O. L., vol 66, p. 164)—having had the same under consideration, report it back with the following amendments, and recommend its passage when so amended:

In line 2 of section one, strike out the word "section" and insert the following "sections eighty and."

After the word "follows," in line 4, of section 1 insert the following, "section 80. Each officer named in chapter six shall, before entreing upon the duties of his office, execute a bond to be approved by the mayor, (except the bond of the mayor shall be approved by the council, and if, for any reason, the council shall not be legally organized for the transaction of business, then, and in such case, the bond of the mayor shall be prescribed in amount and approved by the Clerk of the Common Pleas Court of the county in which such city may be located), in such amount as the council shall, by ordinance, prescribe, conditioned for the faithful performance of the duties of his office, which bond, except the bond of the clerk, shall be deposited with the clerk of the corporation, and be by him, with the approval endorsed thereon, recorded and filed and preserved in his office, and the bond of the clerk shall, after being by him recorded, be deposited with the mayor."

Strike out all of section 1, after the word "provided," in line 14, and

insert the following, "also, that in case enough members shall absent themselves to cause the council to lack one member of a quorum, then, and in such case, and so long as this state of affairs shall continue, the mayor shall be ex-officio, a member of said council, with the same powers, duties and privileges as other members of the council, and such members as remain, together with the mayor, shall be a quorum for the transaction of business.

J. C. SCHENCK, A. M. BURNS,
T. P. BROWN, H. KESSLER.

The amendments w agreedere to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Kessler submitted the following report:

The standing committee on Municipal Corporations to whom was referred H. B. No. 857—To authorize the council of the incorporated village of Franklin, in Warren county, Ohio, to borrow money and issue bonds for the purpose of purchasing a steam fire engine—having had the same under consideration, report it back, and recommend its passage.

H. KESSLER, J. C. SCHENCK,
T. P. BROWN, A. M. BURNS.

The bill was ordered to be read the third time to-morrow.

Mr. Hudson submitted the following report:

The standing committee on Finance to whom was referred H. B. No. 783—To authorize the Commissioners of Richland county, to transfer money from the county fund of said county to the bond and interest fund—having had the same under consideration, report it back, and recommend its passage.

JOHN H. HUDSON, ELIAS ELLIS,
SAMUEL KNOX, A. R. HAINES.

The bill was ordered to be read the third time to-morrow.

On motion of Mr. Burrows, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

THURSDAY, APRIL 26, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

On motion of Mr. Burns the committee on Judiciary was discharged from the further consideration of H. B. No. 876—To consolidate, revise and amend the statutes relating to jails and the penitentiary, to be known as "part 2, title 3, jails and penitentiary."

Said bill was read the third time.

Mr. Beatty moved that the bill be referred to a select committee of one with instructions to amend as follows:

At the end of chapter 3 insert the following:

SECTION 2. This act shall take effect from and after July 1, 1877.

Which was disagreed to.

On motion of Mr. Burns the further consideration of said bill was postponed until 3 o'clock P. M.

The President appointed Messrs. Kent, Haines and Andrews as mem-

bers of second committee of Conference on matters of difference on H. B. No. 46 on part of the Senate—To amend section 1 of an act passed March 27, 1875, (O. L., volume 72, page 85), entitled "An act to amend sction 1 of an act entitled an act to fix the rates of toll on turnpike and plank road companies," passed March 16, 1875, (S. & S., page 147).

Mr. Brown of Lucas presented the petition of Franklin Hubbard and 120 other citizens of Lucas county—Asking that the Board of Public Works be required to construct a culvert under the Wabash and Erie canal, at South Toledo, in said county.

Which was referred to the committee on Public Works.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments No.'s 1, 9, 11, 14, 15, 16, 18, 19, 20, 26, 27, 28, 29 and 33 to—

Amended H. B. No. 664—Mr. McLain—Making appropriations for the fiscal year 1877, and the first quarter of the fiscal year 1878, and refuses to concur in Senate amendments No.'s 3, 4, 5, 6, 7, 10, 12, 17, 21, 22, 23, 24, 25, 30, 31 and 32 to said bill.

The House has also concurred in Senate amendments No.'s 2, 8, 13 and 34 to said bill with the following amendments, in which the concurrence of the Senate is requested:

In the second amendment strike out the word "suppressing" and insert "preventing."

In the eighth amendment insert after the word "building" the words "the embankments to."

In the thirteenth amendment insert the word "hire" after the word "clerk."

Strike out all of the thirty-fourth amendment after the word "add" in the first line, and insert, "the contract under which said boys are supported shall terminate on the 1st day of February, 1878, and the Probate Court of Lucas county shall transfer such boys to the Reform Farm at Lancaster, at such times and in such detachments as the Attorney-General shall direct after the first day of November, 1877."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments to Senate amendment No. 2, House amendment to Senate amendments No. 2, the yeas and nays were taken and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Burns, Burrows, Curtiss, Hudson, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Reese, Rukenbrod, Schenck, Stanton, Stickney, Stokes, Swan and Warnock—21.

So the amendments were concurred in.

The question being on concurring in said amendments to amendment No. 8, the yeas and nays were taken and resulted—yeas none, nays 19, as follows:

Those who voted in the negative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Burrows, Curtiss, Hudson, Johnston, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Reese, Rukenbrod, Stanton, Stickney, Swan and Warnock—19.

So the amendments were disagreed to.

The question being on concurring in said amendment to Senate

amendment No. 13, the yeas and nays were taken and resulted –yeas 22, nays 1, as follows :

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burrows, Curtiss, Hudson, Johnston, Kent, Knox, Lewis, Philson, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes and Swan —22.

Mr. Monahan voted in the negative—1.

So the amendment was concurred in.

The question being on concurring in said amendment to Senate amendment No. 34, the yeas and nays were taken and resulted—yeas 9, nays, 17, as follows :

Those who voted in the affirmative were—

Messrs. Brown of Ross, Burrows, Curtiss, Knox, Philson, Ransom, Rukenbrod, Spangler and Stanton—9.

Those who voted in the negative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Hudson, Johnston, Kent, Kerr, Kessler, Lewis, Monahan, Owens, Reese, Stickney, Stokes, Swan and Warnock—17.

So the amendment was disagreed to.

On motion of Mr. Knox a message was sent to the House of Representatives, informing that body that the Senate had concurred in House amendments to Senate amendments No.'s 2 and 13, and refused to concur in House amendments to Senate amendments No.'s 8 and 34 ; and, also, that the Senate insists in Senate amendments No.'s 3, 4, 5, 6, 7, 10, 12, 17, 21, 22, 23, 24, 25, 30, 31 and 32, to said H. B. No. 664, and asks for a committee of conference on the matters of difference between the two Houses on said bill.

Mr. Rukenbrod presented the remonstrance of Joel McMillen and Thomas Bousall, citizens of Columbiana county, against the passage of H. B. No. 820, by Mr. Perkins.

Which was referred to the committee on Common Schools.

Mr. Hudson presented the remonstrance of Members of the Board of Education, and other citizens of Sandusky county, against the passage of H. B. No. 820, known as "The Perkins Bill."

Which was referred to the committee on Common Schools.

Mr. Johnston presented the petition of S. S. Rutter and other citizens of Wayne county—asking for passage of S. B. No. 411

Which was referred to the committee on Privileges and Elections.

Mr. Ransom presented the petition of 450 citizens of Hamilton county in favor of Free Bridge over the Ohio River between Cincinnati and Covington.

Which was referred to a select committee of four Senators from Hamilton county.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives requests the return of—

S. B. No. 199—Mr. Bates—To provide for the purchase and distribution of the four volumes of J. R. Sayler's statutes of Ohio, from 1860 to 1875.

Attest: WM. LEONARD, *Clerk*

On motion of Mr. Bates the request of the House was acceded to.

A message was sent to that body returning the same.

Bills were read the second time and referred as follows:

H. B. No. 739—To make silver coin a legal tender in the State of Ohio.

To the committee on Finance.

H. B. No. 903—To authorize the Commissioners of Ashtabula county to build a barn on the Infirmary farm, in place of one lately burned down.

To a committee of one—Mr. Burrows.

H. B. No. 898—To amend section 4 of chapter 1 of an act entitled "An act for the reorganization and maintenance of common schools," passed May 1, 1873.

To the committee on Common Schools.

H. B. No. 902—To fix the time for holding an additional term of the District Court in Scioto county.

To the committee on Judiciary.

H. B. No. 790—Supplementary to an act entitled "An act to authorize the County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, an to repeal an act therein named," passed March 29, 1867, and the acts amendatory thereof.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 23, nays 1, as follows:

Those who voted in the affirmative were—

Messsrs. Andrews, Ault, Bates, Beatty, Burns, Curtiss, Haines, Johnston, Kerr, Kessler, Kleinschmidt, Lewis, Owens, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stickney, Stokes, Swan, Warnock and Williams—23.

Mr. Brown of Ross voted in the negative—1.

So the bill passed. The title was agreed to.

H. B. No. 478—Supplementary to the act entitled an act to authorize County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, passed March 29, 1867, and amended by subsequent acts.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Ross, Burns, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Spangler, Stickney, Swan and Warnock—23.

So the bill passed. The title was agreed to.

Mr. Burrows, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 903—To authorize the Commissioners of Ashtabula county, to build a barn on the Infirmary farm, in place of one lately burned down—having had the same under consideration, report it back, with the following amendment, and recommend its passage when so amended.

In section 1, line 4, after the word "exceeding," strike out the word "three" and insert in lieu thereof the word "five."

S. S. Burrows.

The amendment was agreed to and ordered to be engrossed.

Mr. Burrows moved that the constitutional rule requiring bills to be read on three different days be dispensed with and said bill be read the third time, on which motion the yeas and nays were taken and resulted —yeas 20, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stickney and Stokes—20.

Mr. Stanton voted in the negative—1.

The motion was disagreed to.

The bill was ordered to be read the third time to-morrow.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed, S. B. No. 409 and H. Bs. Nos. 595, 830 and 886.

W. W. Beatty,
J. C. Schenck,
James W. Owens.

H. B. No. 886—To amend section 87 of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869. (O. L., vol. 66. p. 164.)

Was read the third time.

Mr. Haines moved that the bill be laid on the table.

Which was disagreed to.

Mr. Lewis moved that the bill be referred to a select committee of one, with instructions to amend as follows:

After the word "vote" in line 31, section 1, insert "in organization."

Strike out all of section one from and including the word "and" in line 31.

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 20, nays 10, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—20.

Those who voted in the negative were—

Messrs. Andrews, Ault, Haines, Hudson, Kerr, Lewis, Monahan, Owens, Reese and Stokes—10.

So the bill passed. The title was agreed to after being amended so as to read as follows:

To amend sections 80 and 87 of an act entitled "An act to provide for the organization and government of Municipal Corporations," passed May 7, 1869. (O. L., vol 66, p. 164.)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 199—Mr. Bates—To provide for the purchase and distribution of the four volumes of J. R. Sayler's Statutes of Ohio from 1860 to 1875, with the following amendments in with the concurrence of the Senate is requested:

In section 1, line 3, strike out the word "five" and insert the word "three.

In section 2, line 1, strike out the word "five" and insert the word "three."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken, and resulted—yeas 23, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kleinschmidt, Knox, Owens, Reese, Rukenbrod, Schenck, Spangler, Stanton and Swan—23.

Those who voted in the negative were—

Messrs. Kessler and Philson—2

So the amendments were concurred in.

S. B. No. 409—To authorize the Board of Water Works Trustees of the village of West Cleveland, Ohio, to issue bonds to the amount of eight thousand dollars.

Was read the third time.

Mr. Schenck moved that the bill be referred to a select committee of one with instructions to amend as follows:

In section 1, line 4, strike out the words "Board of Water Works Trustees and insert in lieu thereof "Council."

In line 6, strike out at end of line "water" and insert "council."

In line 7, strike out the first two words "water trustees."

In line 8, strike out the words "the Board of Water Works Trustees," and insert "Mayor, and countersigned by the Clerk."

In line 9, strike out the words "Board of Water Works Trustees," and insert "said council."

In section 2, line 3, insert after the word "village," as provided by section 357 of the Municipal Code.

Which was agreed to.

Mr. Schenck was appointed such select committee.

Mr. Schenck, on leave, submitted the following report:

The select committee of one to whom was referred S. B. No. 409, with instructions to amend, reports the same back amended as instructed.

J. C. SCHENCK.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stokes, Swan and Warnock—26.

So the bill passed. The title was agreed to.

On motion of Mr. Monahan, the Senate took a recess.

THREE O'CLOCK, P. M.

H. B. No. 633—To amend section seven of an act to authorize the County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to

repeal an act named therein, as passed March 29, 1867, (O. L., vol. 64, p. 83,) as amended April 11, 1876, (O. L. 73, p. 169.)

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 20, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Burns. Curtiss, Haines, Hudson, Kessler, Kleinschmidt, Knox, Lewis, Philson, Ransom, Reese, Rukenbrod, Schenck, Stanton, Stickney and Swan—20.

Those who voted in the negative were—

Messrs. Johnston, Owens and Warnock—3.

So the bill passed. The title was agreed to.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bill:

H. B. No. 647—To authorize the election of one additional Judge of the Court of Common Pleas in the third sub-division of the sixth judicial district of the State of Ohio.

E. L. Lybarger, J. W. Washburn,
Thos. S. Luccock, C. J. Swan,
T. P. Brown, Asa Toberen.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bill has been introduced in the House of Representatives and read the first time:

H. B. No. 904—Mr. Stone—To amend paragraph 6th of section 21 of an act to regulate and govern the Ohio Penitentiary, and to repeal certain acts therein named, passed March 16, 1876.

Attest: Wm. Leonard, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 647—Mr. Lybarger—To authorize the election of an additional Judge of the Court of Common Pleas, in the third sub-division of the 6th judicial district of the State of Ohio.

Attest: Wm. Leonard, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 382—Mr. Kerr—To authorize narrow gauge railroads companies to issue bonds.

Attest: Wm. Leonard, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 406—Mr. Brown of Lucas—Supplementary to an act to authorize the incorporation of Boards of Trade and Chambers of Commerce.

Attest: WM. LEONARD, *Clerk.*

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills:

H. B. No. 608—To amend an act entitled "An act to regulate the Ohio Soldiers' and Sailors' Orphans' Home, located at Xenia, and to repeal certain acts therein named," passed March 14, 1876, (O. L., vol. 73, p. 26.)

H. B. No. 792—To authorize the building of a town hall in the village of Jefferson, in Ashtabula county.

H. B. No. 691—To authorize the Commissioners of Franklin county to levy a tax for making a turnpike road from High street, in the city of Columbus, along Green Lawn avenue road, as established, to the terminus of said road in the old Chillicothe road.

H. B. No. 584—To authorize the Commissioners of Pickaway county, Ohio, to build a bridge across the Scioto river, at or near Mackey's Ford, in said county, and to levy a tax for that purpose.

H. B. No. 689—To authorize the city of Dayton to build and maintain stationary bridges across the Mad River Feeder of the Miami and Erie canal.

E. L. LYBARGER, ASA TOBEREN,
J. W. WASHBURN, THOS. S. LUCCOCK,
C. J. SWAN, E. C. LEWIS,
H. V. KERR.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bill:

H. B. No. 647—Mr. Lybarger—To authorize the election of one additional Judge of the Court of Common Pleas in the third sub-division of the sixth judicial district of the State of Ohio.

Attest: WM. LEONARD, *Clerk.*

The President, in the presence of the Senate, signed said bill.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 608—Mr. Holloway—To amend an act entitled "An act to regulate the Ohio Soldiers' and Sailors' Orphans' Home, located at Xenia, and to repeal certain acts therein named," passed March 14, 1876, (O. L., vol. 73, p. 26.)

H. B. No. 792—Mr. Howland—To authorize the building of a town hall in the village of Jefferson, Ashtabula county.

H. B. No. 691—Mr. Converse—To authorize the Commissioners of Franklin county to levy a tax for making a turnpike road from High street, in the city of Columbus, along Green Lawn avenue road, as established, to the terminus of said road in the old Chillicothe road.

H. B. No. 584—Mr. Krimmel—To authorize the Commissioners of Pickaway county, Ohio, to build a bridge across the Scioto river, at or near Mackey's Ford, in said county, and to levy a tax for that purpose.

H. B. No. 689—Mr. Thresher—To authorize the city of Dayton to build and maintain stationary bridges across the Mad River Feeder of the Miami and Erie canal.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills.

On motion of Mr. Burns, H. B. No. 876—To consolidate, revise and amend the statutes relating to jails and the penitentiary, to be known as "part 2, title 3, jails and penitentiary"—was taken from the table.

Mr. Rukenbrod moved that the bill be referred to a select committee of one, with instructions to amend as follows:

On page 181, section 31, in line 3, strike out the words "for the State," and insert in lieu thereof the words "as may be for the good of the convict, advantage to the regulation and management of the prison, or of profit to the State.

Which was agreed to.

Mr. Rukenbrod was appointed such select committee.

Mr. Rukenbrod, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 876, with instructions to amend, reports the same back amended as instructed.

J. K RUKENBROD.

Mr. Rukenbrod moved that the bill be referred to a select committee of one with instructions to amend as follows:

In section 27, sixth division, page 179, after the word "excepting," in line 7, add the words "convicts sentenced for one year."

Which was agreed to.

Mr. Rukenbrod was appointed such select committee.

Mr. Rukenbrod, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 876, with instructions to amend, reports the same back amended as instructed.

J. K. RUKENBROD.

On motion of Mr. Beatty, the vote whereby the motion to refer the bill to a select committee of one, with instructions to insert at the end of chapter 3, the following: "Section 2, This act shall take effect from and after July 1, 1877," was lost, was re-considered.

The motion to refer was agreed to.

Mr. Beatty was appointed such select committee.

Mr. Beatty, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 876, with instructions to amend, reports the same back amended as instructed.

WM. W. BEATTY.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—26.

So the bill passed. The title was agreed to.

Mr. Andrews submitted the following report:

The standing committee on Universities and Colleges, to whom was referred the communication from the Governor, nominating trustees of the Ohio Agricultural and Mechanical College—having had the same under consideration, report it back and recommend that the Senate do advise and consent to the appointment of all the nominations made by the Governor in the said communication.

GEO. W. ANDREWS, W. R. WARNOCK,
WM. H. STOKES.

The question being on consenting to said nomination of David Sinton, the yeas and nays were taken, and resulted, yeas 26, nays none as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—26.

So the Senate advised and consented to said appointment.

The question being on consenting to said appointment of Christian Kinsinger, the yeas and nays were taken, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—29.

So the Senate advised and consented to said appointment.

The question being on consenting to said appointment of Cyrus Falconer, the yeas and nays were taken, and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—30.

So the Senate advised and consented to said appointment.

The question being on consenting to said appointment of R. P. Finley, the yeas and nays were taken, and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—30.

So the Senate advised and consented to said appointment.

The question being on consenting to said appointment of J. P. Snyder, the yeas and nays were taken, and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—30.

So the Senate advised and consented to said appointment.

The question being on consenting to said appointment of Wm. H. Scott, the yeas and nays were taken, and resulted—yeas 28. nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—28.

So the Senate advised and consented to said appointment.

The question being on consenting to said appointment of Harmon Hoover, the yeas and nays were taken, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—29.

So the Senate advised and consented to said appointment.

The question being on consenting to said appointment of A. C. Deuel, the yeas and nays were taken, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—29.

So the Senate advised and consented to said appointment.

The question being on consenting to said appointment of F. C. Jones, the yeas and nays were taken, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—27.

So the Senate advised and consented to said appointment.

The question being on consenting to said appointment of Warren P. Noble, the yeas and nays were taken, and resulted—yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—31.

So the Senate advised and consented to said appointment.

Mr. Swan moved that the Senate go into secret session for the further consideration of said nominations.

Which was agreed to, and the doors were closed.

After some time spent in secret session, the doors of the Senate were opened by order of the President.

H. B. No. 799—To provide for the abandonment of a certain portion of the Hocking canal, lying between the first lock and east of Nelsonville and the village of Chauncy, Athens county, Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty ,Brown of Lucas, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—28.

So the bill passed. The title was agreed to.

The following communication was received from the Governor:

MESSAGE FROM THE GOVERNOR.

THE STATE OF OHIO, EXECUTIVE DEPARTMENT,

COLUMBUS, 26th day of April, 1877.

To the General Assembly:

I have the honor to inform you that I have this day appointed Professor Albert Tuttle, of Franklin county, and Dr. Alfred Buckingham, of Hamilton county, to be Commissioners to investigate into the cause, pathology and best means for prevention and cure of epidemic diseases affecting the live stock of this State.

Very respectfully, THOS. L. YOUNG, *Governor.*

Referred to the committee on Agriculture.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 478—Mr. Hostetter—Supplementary to the act entitled an act to authorize County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, passed March 29, 1867, and amended by subsequent acts.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution, in which the concurrence of the Senate is requested—

H. J. R. No. 71—Mr. Wales—For damages to Evaline Bundy, et. al., caused by the overflow of water at the State dam, near Middletown.

Attest: WM. LEONARD, *Clerk.*

Referred to the committee on Public Works.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 806—Mr. Nigh—To further consolidate land titles in Ohio.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 642—Mr. Stryker—To provide for the erection of bridges over Mill creek, and the Cincinnati, Hamilton and Dayton railroad, in Hamilton county.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

On motion of Mr. Beatty, H. B. No. 731—To amend second section of an act entitled "An act to authorize County Commissioners to locate and construct turnpike roads," passed April 30, 1869, was taken from the table.

Said bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—27.

So the bill passed. The title was agreed to.

H. B. No. 308—To enable executors and administrators to obtain funds arising from sale of real estate on partition to pay debts.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Burrows, Curtiss, Haines, Hudson, Johnston, Kessler, Kleinschmidt, Lewis, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stokes, Swan and Warnock—21.

So the bill passed. The title was agreed to.

H. B. No. 772—To authorize the Trustees of Middleburg township, Cuyahoga county, to levy a tax for certain purposes mentioned therein.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burrows, Cur-

tiss, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—25.

So the bill passed. The title was agreed to.

H. B. No. 822—For the relief of the Mercer county agricultural society.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 16, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Haines, Hudson, Kerr, Kessler, Lewis, Monahan, Reese, Schenck, Spangler, Stickney, Swan and Warnock—16.

Those who voted in the negative were—

Messrs. Burrows, Curtiss, Kleinschmidt, Knox, Rukenbrod and Stanton—6.

So the bill was lost.

H. B. No. 545—To provide for the use of plats, profiles and surveys in preliminary proceedings for road improvements.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—27.

So the bill passed. The title was agreed to.

On motion of Mr. Andrews, the vote whereby H. B. No. 822—For the relief of the Mercer county agricultural society, was lost, was reconsidered. The bill was laid on the table.

H. B. No. 484—To prevent the spread of Canada thistles.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Bates, Beatty, Brown of Lucas, Burrows, Curtiss, Haines, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes and Warnock—25.

So the bill passed. The title was agreed to.

H. B. No. 791—For the relief of Joseph Barrington.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burrows, Curtiss, Haines, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Monahan, Philson, Reese, Rukenbrod, Spangler, Stahton, Stickney and Stokes—22.

The bill passed. The title was agreed to.

H. B. No. 844—To authorize the Council of the incorporated village of New Washington, in Crawford county, to borrow money for the construction of a lock-up and Mayor's office.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Curtiss, Haines, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Reese, Rukenbrod, Spangler, Stanton, Stickney, Stokes and Warnock —23.

So the bill passed. The title was agreed to.

H. B. No. 595—To authorize the Board of County Commissioners of Hamilton county to extend Mitchell avenue under the Miami and Erie canal, and to levy a tax to defray the expense thereof.

Was read the third time.

Mr. Kleinschmidt moved that the bill be referred to a select committee of one with instructions to amend as follows:

Strike out in section one, lines five and six the words "twenty-one hundredths," and insert in lieu thereof "nineteen one-hundredths."

Which was agreed to.

Mr. Kleinschmidt was appointed such select committee.

Mr. Kleinschmidt, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 595, with instructions to amend, reports the same back amended as instructed.

E. F. Kleinschmidt.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 23, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Curtiss, Haines, Hudson, Kent, Kerr, Kessler, Knox, Lewis, Monahan, Owens, Ransom, Reese, Rukenbrod, Schenck, Stickney, Stokes and Warnock—23.

Mr. Kleinschmidt voted in the negative—1.

So the bill passed. The title was agreed to.

Mr. Spangler submitted the following report:

The committee of conference, to whom was referred the subject matter of difference between the two Houses upon Senate amendment to H. J. R. No. 96, have had the same under consideration and recommend that the Senate recede from its amendment.

A. Spangler,
James W. Owens,
J. R. Johnston,
Senate Committee.

Geo. L. Converse,
James Douglas,
John Zumstein,
House Committee.

The question being on concurring in said report, the yeas and nays were taken and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Bates, Brown of Lucas, Burns, Burrows, Haines, Hudson, Johnston, Kerr, Kessler, Knox, Lewis, Monahan, Owens, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—24.

So the report was concurred in.

On motion of Mr. Knox, the committee on Public Works was discharged from the further consideration of H. J. R. No. 71.

The resolution was ordered to be returned to the House, it not being a "joint" resolution.

Mr. Ransom submitted the following report:

The standing committee on Common Schools, to whom was referred H. B. No. 898—To amend section 4 of chapter 1 of an act entitled an act for the reorganization and maintenance of common schools, passed May 1, 1873, having had the same under consideration, report it back and recommend its passage.

EDWARD P. RANSOM, W. R. WARNOCK,
E. T. STICKNEY, S. S. BURROWS,
SAMUEL KNOX, JAS. W. OWENS.

The bill was ordered to be read the third time to-morrow.

H. B. No. 521—For the relief of ex-overseers of the poor in certain cities of the first class—

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Brown of Lucas, Burns, Burrows, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Stanton, Stickney, Stokes, Swan and Warnock—25.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has acceded to the request of the Senate for a committee of conference on—

H. B. No. 664—Mr. McLain—Making appropriations for the fiscal year 1877, and the first quarter of the fiscal year 1878.

The Speaker has appointed Messrs. McLain, Huberich and Smith of Licking as such committee on part of the House.

Attest: WM. LEONARD, *Clerk.*

The President appointed Messrs. Knox, Brown of Lucas and Hudson as members of such committee on the part of the Senate.

Mr. Brown of Lucas, on leave, submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 669—To repeal an act entitled an act to authorize the issuing of floating debt bonds in cities of the first class having a population of less than one hundred thousand, passed April 18, 1874 (O. L., vol. 71, p. 94), having had the same under consideration, report it back and recommend its passage.

A. M. BURNS, J. C. SCHENCK,
T. P. BROWN, JAS. W. OWENS,
H. KESSLER, R. E. REESE.

The bill was ordered to be read the third time to-morrow.

Mr. Brown of Lucas submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 668—To amend an act entitled an act to authorize the Common Councils of certain cities of the first class to issue water works bonds, passed April 11, 1876 (O. L., vol. 73, p. 217), having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

In section 1, line 8, after the word "beds" insert the following: "And for the purchase and laying of water pipe."

In section 2, line 18, strike out all of that section after the word "act."

A. M. Burns, T. P. Brown,
J. C. Schenck, Jas. W. Owens,
H. Kessler, R. E. Reese.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Ransom submitted the following report:

The standing committee on Common Schools, to whom was referred H. B. No. 892—To authorize the Trustees and Board of Education of Columbia township, Lorain county, Ohio, to build a school house and town hall—having had the same under consideration, report it back and recommend its passage,

E. P. Ransom, James W. Owens,
Samuel Knox, S. S. Burrows,
W. R. Warnock.

The bill was ordered to be read the third time to-morrow.

Mr. Ransom submitted the following report:

The standing committee on Common Schools. to whom was referred H. B. No. 576—To amend section 52 of an act entitled an act for the reorganization and maintenance of common schools. passed May 1,1873, having had the same under consideration, report it back without recommendation.

E. P. Ransom, W. R. Warnock,
E. T. Stickney, S. S. Burrows,
Samuel Knox, Jas. W. Owens.

The bill was ordered to be read the third time to-morrow.

Mr. Knox submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 709—Requiring the Auditor of Defiance county to refund certain taxes improperly collected, having had the same under consideration, report it back and recommend its passage.

Samuel Knox, R. Stanton,
J. H. Bates, Jno. H. Hudson,
H. W. Curtiss, A. R. Haines.

The bill was ordered to be read the third time to-morrow.

Mr. Knox submitted the following report:

The standing committee on Common Schools, to whom was referred H. B. No. 812—Creating a special school district in Sandusky township, Richland county—having had the same under consideration, report it back with the following amendments and recommend its passage when so amended:

1st—Insert as section 2 the following:

"Section 2. Within thirty days from the date of the passage of this

act, written notices shall be posted for ten days in three of the most public places in said territory, signed by at least, six resident electors of said territory, requesting the qualified electors thereof to assemble on a day and at an hour and place designated in said notices, then and there to vote for three members of the board of education for said special school district. The electors assembled at the time and place designated in said notices, shall appoint a chairman and two clerks, who shall be judges of said election, which shall continue, at least, two hours, and shall not close before 4 o'clock p. m.; and shall proceed to elect three members of the board of education, whoes term of office shall begin on the first Monday after said election, and one of whom shall hold his office till the third Monday in April next thereafter; one till the third Monday in April, A. D. 1879, and one till the third Monday in April, A. D. 1880, and until their successors are elected and qualified."

2d—Renumber the several sections consecutively.

SAMUEL KNOX, S. S. BURROWS,
E. P. RANSOM, JAS. W. OWENS,
W. R. WARNOCK.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Knox submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 673—To provide for the collection of delinquent personal taxes—having had the same under consideration report it back and recommend its passage.

ELIAS ELLIS, R. STANTON,
A. R. HAINES, J. H. BATES,
SAMUEL KNOX.

The bill was ordered to be read the third time to-morrow.

Mr. Knox submitted the following report:

The standing committee on Finance to whom was referred H. B. No. 275—For the relief of Albert A. Selkirk, Treasurer of Plain township, Wood county, Ohio—having had the same under consideration, report it back and recommend its passage.

SAMUEL KNOX, R. STANTON,
J. H. BATES, A. R. HAINES,
H. W. CURTISS, JNO. H. HUDSON.

The bill was ordered to be read the third time to-morrow.

Mr. Kleinschmidt submitted the following report

The standing committee on Manufactures and Commerce, to whom was referred H. B. No. 778—To amend sections 1, 2, 3, 4 and 7 of an act to regulate the sale of mineral oils, and other substances for illuminating purposes, and to repeal certain enactments therein named, passed April 16, 1867, (S. & S., 402), and as amended April 27, 1872, (vol. 69)—having had the same under consideration, report it back, without recommendation.

E. F. KLEINSCHMIDT, M. KENT,
H. W. CURTISS, WM. W. BEATTY,
JNO. H. HUDSON, I. T. MONAHAN.

The bill was ordered to be read the third time to-morrow.

Mr. Owens submitted the following report:

The standing committee on Municipal Corporations to whom was referred H. B. No. 844—To authorize the city of Mt. Vernon, Ohio, to levy a special tax to purchase machinery—having had the same under consideration, report it back without recommendation.

A. M. Burns, J. C. Schenck,
Jas. W. Owens, T. P. Brown,
H. Kessler, R. E. Reese.

The bill was ordered to be read the third time to-morrow.

Mr. Owens submitted the following report

The standing committee on Common Schools to whom was referred H. B. No. 743—To create a special school district in Mesopotamia township, Trumbull county—having had the same under consideration, report it back, and recommend its passage.

James W. Owens, Samuel Knox,
E. P. Ransom, W. R. Warnock,
S. S. Burrows.

The bill was ordered to be read the third time to-morrow.

Mr. Owens submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 902--To fix the time for holding an additional term of the District Court in Scioto county—having had the same under consideration, report it back and recommend its passage.

J. H. Bates, C. J. Swan,
James W. Owens, A. M. Burns,
Geo. W. Andrews, W. R. Warnock.

The bill was ordered to be read the third time to-morrow.

Mr. Owens submitted the following report:

The standing committee on Common Schools, to whom was referred H. B. No. 855—To create a special school district in Richland township, Wyandot county, and to authorize the board of education of said township to transfer certain funds to the board of education of said special district—having had the same under consideration, report it back with the following amendment, and recommend its passage when so amended:

In line 4, section 3, strike out the words "next thereafter," and insert instead "A. D. 1877."

James W. Owens, E. T. Stickney,
E. P. Ransom, W. R. Warnock.

The amendment was agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Warnock submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 768—To secure pay to persons performing labor or furnishing materials in constructing turnpikes or improved roads—having had the same under consideration, report it back with following amendment and recommend its passage when so amended:

At end of section 5, strike out "its passage," and insert "July 1, 1877."

J. H. Bates, James W. Owens,
W. R. Warnock, A. M. Burns.

The amendment was agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Warnock submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 329—Authorizing District Courts to order abstract of legal notices and advertisements to be published in counties constituting for itself a judicial district—having had the same under consideration, report it back with the following amendment, and recommend its passage when so amended:

In third line, section 1, strike out "shall" and insert "may."

J. H. Bates, W. R. Warnock,
Geo. W. Andrews, C. J. Swan.

The amendment was agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

On motion of Mr. Johnston, the vote whereby the title to H. B. No. 545—To provide for the use of plats, profiles and surveys in preliminary proceedings for road improvements—was agreed to was reconsidered.

The title was amended so as to read as follows:

"Supplementary to an act to amend sections 1, 2, 4, 5, 6 and 11 of an act entitled an act authorizing the County Commissioners to construct roads on petition of a majority of the resident land owners along and adjacent to the line of said road, and to repeal an act therein named, passed March 31, 1868, (S. & S., p. 673).

The following bills were introduced, on leave, and read the first time:

S. B. No. 421—Mr. Brown of Lucas—To authorize the city council of the city of South Toledo to issue bonds and borrow money for completing a certain road therein named.

S. B. No. 422—Mr. Brown of Lucas—To authorize the board of public works to construct a drain or sewer under the Wabash and Erie canal, leading to the Maumee River at Maumee, Lucas county.

On motion of Mr. Kleinschmidt, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

Friday, April 27, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

Mr. Stanton, on leave, submitted the following report:

The standing committee on Finance, to whom was referred H. J. R. No. 111—Fixing the day of *sine die* adjournment—having had the same under consideration, report it back with the following amendments, and recommend its adoption:

1st. Strike out the words "eight o'clock A. M., Monday, April 30," and insert "twelve o'clock M., Thursday, May 3d."

2d. Add at end of the resolution the words: "and no bills shall be passed after twelve o'clock M., Wednesday, May 2, A. D. 1877."

Samuel Knox, R. Stanton,
H. W. Curtiss, Jno. H. Hudson,
A. R. Haines, J. H. Bates.

The amendments were agreed to.

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—29.

So the resolution was adopted.

H. B. No. 898—To amend section five of an act entitled "An act supplementary to an act for the reorganization and maintenance of common schools," passed March 30, 1874.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Burns, Burrows, Curtiss, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—25.

So the bill passed. The title was agreed to.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills and joint resolution:

S. B. No. 390—For the further protection of cemeteries in the State of Ohio.

S. B. No. 307—To regulate the speed of railroad locomotives and cars, within the corporate limits of cities and villages.

S. B. No. 354—To create a Special School District of certain territory in York township. Morgan county, and Bearfield township, Perry county.

S. B. No. 332—Supplementary to an act entitled "An act to amend sections 97, 643, 649, 650 and 656 of an act to provide for the organization and government of municipal corporations, etc.

S. B. No. 372—To create a Special School District in Marion county, Ohio.

S. B. No. 410—To authorize the Trustees of Jefferson township, Richland county, Ohio, to join with the Council of the incorporated village of Bellville, in the construction of a Town Hall.

S. B. No. 288—To amend section seven of an act entitled an act establishing Boards of County Commissioners, and prescribing their duties.

S. B. No. 359—To amend an act entitled an act for the reorganization of Common Schools.

S. B. No. 411—To authorize the Trustees of Canfield township, Mahoning county, Ohio, to issue bonds to purchase school sites, and erecting buildings thereon.

S. B. No. 326—To amend sections seventeen and eighteen of an act entitled an act authorizing the election of a Board of Police Commissioners and consolidate the same with the Board of Health, in cities of the first class, etc.

S. B. No. 133—To authorize the Board of Public Works to construct a culvert and berme bank in section nineteen, of the Miami and Erie canal.

S. B. No. 408—To authorize the Commissioners of Cuyahoga county to borrow money on the bonds of the county, etc.

S. J. R. No. 64—Providing for the binding of additional copies of the debates of the Constitutional Convention.

S. B. No. 281 –To enable the township and incorporated village of Malta to purchase a site for, and build a Town Hall.

C. J. Swan, H. V. Kerr,
E. C. Lewis, T. P. Brown,
E. L. Lybarger, Thos. S. Luccock.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed H. Bs. Nos. 903, 768, 855, 812, 668 and S. B. No. 329.

Wm. W. Beatty,
J. C. Schenck,
H. V. Kerr.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 407—Mr. Burns—To amend section 313 of the code of civil procedure, as amended March 23, 1875, (O. L., Vol. 75, p. 77),

With the following amendment, in which the concurrence of the Senate is requested:

In section one, strike out all after the word "therein," in line forty-eight, to and including the word "testimony," in line fifty-one.

Attest: Wm. Leonard, *Clerk.*

The question being on concurring in said amendment, the yeas and nays were taken and resulted--yeas 17, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Beatty, Brown of Ross, Burns, Burrows, Haines, Kent, Kerr, Kleinschmidt, Lewis, Philson, Ransom, Reese, Rukenbrod, Schenck, Stickney, Stokes and Swan—17.

Those who voted in the negative were—

Messrs. Curtiss, Johnston and Warnock—3.

So the Senate refused to concur in said amendment.

On motion of Mr. Burrows, said vote was reconsidered.

The question recurring on concurring in said amendment, the yeas and nays were taken and resulted—yeas 12, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Burress, Haines, Kerr, Philson, Ransom, Rukenbrod, Schenck, Stanton, Swan and Williams—12.

Those who voted in the negative were—

Messrs. Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Owens, Reese, Spangler, Stickney, Stokes and Warnock—14.

So the Senate refused to concur in said amendment.

A message was sent to the House of Representatives asking for a committee of conference on said matters of difference on said bill.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 367—Mr. Swan—To authorize the Board of Education of the

Special School District of the incorporated village of Ottawa, Putnam county, Ohio, to levy an additional tax for school purposes.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 766—Mr. Quinby—To amend, revise and consolidate the statutes relating to criminal procedure, and to repeal certain acts.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and joint resolution:

S. B. No. 411—Mr. Johnston—To authorize the Trustees of Canfield township, Mahoning county, Ohio, to issue bonds for the purpose of repairing buildings, purchasing sites, and erecting buildings thereon, and otherwise contributing to the establishment and support of a Normal School in said township.

S. B. No 410—Mr. Burns—To authorize the Trustees of Jefferson township, Richland county, Ohio, to join with the Council of the incorporated village of Bellville in the construction of a Town Hall for the joint use of said township and village.

S. B. No. 281—Mr. Stanton—To enable the township and incorporated village of Malta to purchase a site for and build a Town Hall.

S. B. No. 408—Mr. Schenck—To authorize the Commissioners of Cuyahoga county to borrow money on the bonds of the county to discharge the existing liabilities of said county.

S. B. No. 133—Mr. Swan—To authorize the Board of Public Works to construct a culvert and berme bank in section 19 of the Miami and Erie canal.

S. B. No. 326—Mr. Schenck—To amend section 17 of an act entitled "An act authorizing the election of a Board of Police Commissioners, and consolidating the same with the Board of Health in cities of the first class with a population of less than one hundred and fifty thousand and over ninety thousand inhabitants at the last Federal census, and to repeal certain acts. (O. L., vol. 73, p. 47.)

S. B. No. 359—Mr. Kent—To amend an act amendatory to an act entitled "An act for the reorganization of common schools," passed March 1, 1873. (O. L., vol. 72, p. 45.)

S. B. No. 288—Mr. Swan—To amend section 7 of an act entitled "An act establishing Boards of County Commissioners and prescribing their duties," passed March 12, 1853, as amended March 30, 1868. (S. & S. p. 89.)

S. B. No. 354—Mr. Stanton—To create a special school district of certain territory in York township, Morgan county, and Bearfield township, Perry county.

S. B. No. 372—Mr. Stanton—To create a special school district, in Marion township, Morgan county, Ohio.

S. B. No. 307—Mr. Rukenbrod—To regulate the speed of railroad loco-

motives and cars within the corporate limits of any city, town or village.

S. B. No. 390—Mr. Bates—For the further protection of Cemeteries in the State of Ohio.

S. B. No. 332—Mr. Brown of Lucas—Supplementary to an act entitled "An act to amend sections 97, 643, 649, 659 and 656 of an act entitled an act to provide for the organization and government of municipal corporations," passed May 7, 1869, (vol. 66, p. 165,) and section 663 of said act, as amended April 18, 1870, (vol. 67, p. 85), passed April 8, 1876, (vol. 73, p. 125.)

S. J. R. No. 64—Mr. Rukenbrod—Providing for the binding of additional copies of the debates of the Constitutional Convention.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills and joint resolution.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 405—Mr. Philson—To authorize the Commissioners of Meigs county, Ohio, to levy a tax for improving the road leading from city of Pomeroy to the village of Racine in said county.

S. B. No. 420—Mr. Monahan—To authorize the authorities of the city of Portsmouth to purchase certain territory and buildings thereon, for certain purposes, and to issue bonds to pay for the same.

S. B. No. 403—Mr. Owens—To authorize the City Council of Newark and the County Commissioners to unite in building a sewer in said city, and to provide for the necessary funds thereof.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 866—Mr. Messer—To limit taxation in certain counties in this State.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 897—Mr. Hodge—Supplementary to the act entitled "An act relating to Juries," passed April 26, 1873; also, an act entitled an act to amend section 2 of the act entitled an act relating to juries, passed April 26, 1873, passed March 9, 1876, also, the act entitled an act to regulate the fees of Probate Judges, Clerks of the courts, Sheriffs, witnesses,

jurors' fees in partitions, and to repeal certain acts therein named, passed April 8, 1876.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

Mr. Schenck moved that the constitutional rule requiring bills to be read on three different days be dispensed with and said bill be read the second time.

On which motion the yeas and nays were taken, and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Ross, Burns, Burress, Curtiss, Haines, Johnston, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Owens, Philson, Ransom, Rukenbrod, Schenck, Stanton, Stickney, Stokes, Swan, Warnock and Williams—24.

So the motion was disagreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 891—Finance Committee—For enlarging the gas works to the Asylum for Idiotic youth.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

H. B. No. 642—To provide for the erection of a bridge over Mill creek, at Liberty street, in Hamilton county.

Was read the second time and referred to a select committee of four—the Senators from first district.

H. B. No. 806—To further consolidate land titles in Ohio.

Was read the second time and referred to the committeee on Finance.

S. B. No. 252—To authorize the appointment of Commissioners to compile or prepare a series of text school books, for use in the common schools of the State of Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 13, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Ross, Burress, Haines, Kerr, Lewis, Miller, Owens, Reese, Sheridan, Stokes and Williams—13.

Those who voted in the negative were----

Messrs. Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Philson, Ransom, Rukenbrod, Spangler, Stanton, Stickney, Swan and Warnock—15.

So the bill was lost.

H. B. No. 779—To authorize the transfer of certain public lands in the village of Sunbury, Delaware county, Ohio, to the Board of Education of Sunbury special school district, Delaware county, Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 26, nays none, as follows:

Those who voted in the affirmative were----

Messrs. Andrews, Bates, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Owens, Philson, Ransom, Reese, Rukenbrod, Sheridan, Stickney, Stokes, Swan, Warnock and Williams—26.

So the bill passed. The title was agreed to.

H. B. No. 893—To authorize the building of a town hall in the village of East Liverpool, Columbiana county, Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Miller, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Swan, Warnock and Williams—26.

The bill passed. The title was agreed to.

H. B. No. 830—To amend section 1 of an act to amend sections 1 and 4 of an act entitled an act to provide for the repair of free turnpike roads in certain counties, and to authorize the County Commissioners of any county in this State to constitute a Board of Directors to regulate the hauling of heavy burdens on any free turnpike or improved road, passed and took effect April 20, 1874, passed March 17, 1875, (O. L., vol. 72, p. 59), passed April 3, 1876, (O. L., vol. 73, p. 151.)

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 24, nays 1, as follows:

Those who voted in the affimrative were----

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burrows, Curtiss, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Miller, Philson, Ransom, Schenck, Sheridan, Spangler, Stanton, Stickney, Swan, Warnock and Williams—24.

Mr. Owens voted in the negative—1.

So the bill passed. The title was agreed to.

H. B. No. 878—Supplementary to an act entitled an act to amend sections 66, 67, and 70 of the act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, (S. & C.'s Stat. 305,) and to repeal a certain act amendatory thereto, passed January 26, 1865, (O. L., 62, p. 4,) (S. & S., p. 239.)

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Burress, Burrows, Curtiss, Haines, Jhonston, Kerr, Miller, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Swan, Warnock and Williams—21.

So the bill passed. The title was agreed to.

H. B. No. 823—For the relief of the Road Commissioners of the Marysville, New California and Franklin county line free turnpike.

Was read the third time.

Mr. Beatty moved that the bill be referred to a select committee of one with instructions to amend as follows:

In section 3, line 4 after the word "road" add the following, "which have been legally assessed for said purpose."

Which was agreed to.

Mr. Beatty was appointed such select committee

Mr. Beatty, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 823, with instructions to amend, reports the same back amended as instructed.

WM. W. BEATTY.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Ross, Burrows, Curtiss, Haines, Johnston, Kent, Kerr, Kleinschmidt, Miller, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—24.

So the bill passed. The title was agreed to.

H. B. No. 872—To authorize the Council of the incorporated village of Willoughby to issue bonds and borrow money to pay indebtedness, and for the purpose of completing the macadamizing of Erie street, in said village.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Johnston, Kent, Kerr, Kleinschmidt, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton Stokes, Warnock and Williams—23.

So the bill passed. The title was agreed to.

H. B. No. 868—To authorize the Council of the incorporated village of Brooklyn, Cuyahoga county, State of Ohio, to transfer money from the cemetery fund to the corporation fund.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Johnston, Kent, Kerr, Kleinschmidt, Owens, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—24.

So the bill passed. The title was agreed to.

H. B. No. 783—To authorize the Commissioners of Richland county to transfer money from the county fund of said county, to bond and interest fund.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 25, nays none, as follows:

Those who voted in the affirmative were.

Messrs. Andrews, Ault, Bates, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Johnston, Kent, Kleinschmidt, Owens, Philson, Ransom, Keese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—25.

So the bill passed. The title was agreed to.

H. B. No. 857—To authorize the council of incorporated village of the

Franklin, Warren county Ohio, to borrow money and issue bonds for the purpose of purchasing a steam fire engine.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas. Burns, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kleinschmidt, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—26.

So the bill passed. The title was agreed to.

H. J. R. No. 109—Awarding damages to H. P. Clough & Co.

Was taken up for further consideration.

The question being on the adoption of the resolution the yeas and nays were taken and resulted—yeas 24, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Curtiss, Haines, Hudson, Kerr, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Williams—24.

Those who voted in the negative were—

Messrs. Johnston, Kleinschmidt and Warnock—3.

So the resolution was adopted.

H. B. No. 903—To authorize the Commissioners of Ashtabula county to build a barn on the Infirmary farm, in place of one lately burned down.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—29.

So the bill passed. The title was agreed to.

H. B. No. 902—To fix the time for holding an additional term of the District Court in Scioto county.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Owens, Philson, Reese, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—29.

So the bill passed. The title was agreed to.

H. B. No. 668—To amend an act entitled an act to authorize the common councils of certain cities of the first class to issue water works bonds, passed April 11, 1876, (Ohio Laws, volume 73, page 217).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Bur-

rows, Curtiss, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Owens, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—26.

So the bill passed. The title was agreed to, after being amended as follows:

Strike out the number "217," and insert in lieu thereof "215."

H. B. No. 892—To authorize the trustees and board of education of Columbia township, Lorain county, Ohio, to levy a tax to build a school house and town hall.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—31.

So the bill passed. The title was agreed to.

On motion of Mr. Kleinschmidt the Senate took a recess.

THREE O'CLOCK P. M.

Mr. Johnston, on leave, offered the following joint resolution:

S. J. R. No. 69—*Resolved by the General Assembly of the State of Ohio*, That the Secretary of State be and is hereby directed to have boxed up, the Geological Survey Reports and the Statistical Reports of the Secretary of State, to which the members of the General Assembly are entitled, and to ship the same to the address of the several members respectively; and the Secretary of State is hereby directed to prepay the charges for shipping the same out of the amount appropriated for the distribution of the laws, journals, and public documents, and to take vouchers for the same.

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Burrows, Curtiss, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Miller, Owens, Philson, Ransom, Reese, Rukenbrod, Stickney, Stokes, Warnock and Williams—22.

So the resolution was adopted.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled the following bills and joint resolution:

H. B. No. 521—For the relief of ex-overseers of the poor in certain cities of the first class.

H. B. No. 898—To amend section four of chapter 1, of an act entitled "An act for the reorganization and maintenance of common schools," passed May 12, 1873.

H. J. R. No. 82—Directing the Auditor of State and Attorney-General to adjust the claim of William M. Ampt, of Cincinnati, provided he complies with certain conditions herein mentioned.

E. L. Lybarger, Thos. S. Luccock,
Asa Toberen, C. J. Swan,
E. C. Lewis. J. W. Washburn.

Mr. Swan submitted the following report:

The joint comm itteeon Enrollment have examined and found correctly enrolled, the following bill:

S. B. No. 412—To authorize the authorities of the city of Portsmouth to purchase certain territory and buildings therein for certain purposes.

C. J. Swan, H. V. Kerr,
Thos. S. Luccock, E. L. Lybarger,
E. C. Lewis.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of The House of Representatives has, in the presence of the House, signed the following bills and joint resolution:

H. B. No. 898—Mr. Richards—To amend section 4 of chapter 1 of an act entitled "An act for the reorganization and maintenance of common schools," passed May 1, 1873.

H. B. No. 521—Mr. Wiltsee—For the relief of ex-overseers of the poor in certain cities of the first class.

S. B. No. 412—Mr. Monahan—To authorize the authorities of the city of Portsmouth to purchase certain territory and buildings thereon for certain purposes, and to issue bonds to pay for the same.

H. J. R. No. 82—Mr. Howland—Directing the Auditor of State and Attorney-General to adjust the claim of William M. Ampt, Esq., of Cincinnati, provided he complies with conditions herein mentioned.

Attest: Wm. Leonard, *Clerk.*

The President, in presence of the Senate, signed said bills and joint resolution

On motion of Mr. Reese H. B. No. 396—Supplementary to an act entitled "An act to authorize the election of an additional Judge of the Court of Common Pleas in the first sub-division of the Fifth Judicial District of the State of Ohio," passed April 20, 1871, (O. L., volume 68, page 68).

Was taken from the table.

The recommendation of the committee that the bill be indefinitely postponed, was disagreed to.

The bill was ordered to be read the third time.

The bill was read the third time.

Mr. Kerr moved that the bill be referred to a select committee of one, with instructions to amend as follows:

1st—In section 1, lines 6 and 7, strike out "first Monday in April, A. D., 1876," and insert "second Tuesday in October, A. D., 1877."

2d—In section 1, line 17, strike out "Tuesday in June," and insert "Monday in February."

3d—In section 2, line 1, strike out "ten" and insert "fifteen."

4th—In section 2, lines 1 and 2, strike out "first Monday in April," and insert "second Tuesday in October, 1877."

Which was agreed to.

Mr. Kerr was appointed such select committee.

Mr. Kerr, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 396, with instructions to amend, reports the same back amended as instructed.

H. V. KERR.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Ellis, Haines, Hudson, Kent, Kerr, Kessler, Lewis, Miller, Owens, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stickney, Stokes, Swan, Warnock and Williams—26.

So the bill passed. The title was agreed to.

H. B. No. 576—To amend section 52 of an act entitled "An act for the reorganization and maintenance of common schools," passed May 1, 1873.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 2, nays 17, as follows:

Those who voted in the affirmative were—

Messrs. Kessler and Miller—2.

Those who voted in the negative were—

Messrs. Andrews, Ault, Burrows, Curtiss, Ellis, Haines, Johnston, Kleinschmidt, Lewis, Reese, Rukenbrod, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—17.

So the bill was lost.

H. B. No. 812—Creating a special school district in Sandusky township, Richland county, Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—27.

So the bill passed. The title was agreed to.

Mr. Swan submitted the following report:

The joint committee on Enrollment, have examined, and found correctly enrolled, the following bill:

H. B. No. 886—To amend sections 80 and 87 of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869 (O. L., vol. 66, p. 164).

E. L. LYBARGER, T. P. BROWN,
THOS. S. LUCCOCK, E. C. LEWIS,
C. J. SWAN.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives, has, in presence of the House, signed the following bill:

H. B. No. 886—Mr. Richards—To amend sections 80 and 87 of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869 (O. L., 66, p. 164).

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bill.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the first amendment of the Senate to—

H. B. No. 595—Mr. Wiltsee—To authorize the Board of County Commissioners of Hamilton county to extend Mitchell avenue under the Miami and Erie canal, and levy a tax to defray the expense thereof, but have refused to concur in the second amendment.

Attest: WM. LEONARD, *Clerk.*

Mr. Bates moved that the Senate recede from its said amendment.

On which motion the yeas and nays were demanded, taken, and resulted, yeas 20, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Burns, Curtiss, Ellis, Haines, Kerr, Kessler, Lewis, Miller, Owens, Ransom, Reese, Sheridan, Stickney, Stokes. Warnock and Williams—20.

Those who voted in the negative were—

Messrs. Brown of Ross, Burrows, Kleinschmidt, Philson, Rukenbrod Stanton and Swan—7.

So the motion was agreed to.

So the Senate receded from its said amendment.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 375—Mr. Lewis—Supplementary to the act to require mortgages or bills of sale of personal property to be deposited with township clerks.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 545—Mr. Dawson—To provide for the use of plats, profiles and surveys in preliminary proceedings for road improvements.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 69—Mr. Johnston—Directing the Secretary of State to ship and distribute certain public documents.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 911—Mr. Groom—To repeal an act entitled an act to create a special school district in school districts Nos. 6 and 7 in Norwich township, Franklin county, Ohio, and school districts Nos. 4 and 5 in Brown township, in said county, and school district No. 2 in Prairie township, in said county, passed April 27, 1877.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 909—Mr. Hodge—To amend section 2 of an act entitled an act regarding the maintenance and repair of streets, alleys, etc., in cities of the first class having a population of more than ninety thousand and less than one hundred and fifty thousand inhabitants at the last Federal census, passed April —, 1877, and to repeal said original section.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

H. B. No. 673—To provide for the collection of delinquent personal taxes.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 24, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Ross, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Knox, Lewis, Miller, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—24.

Those who voted in the negative were—

Messrs. Kessler, Owens and Philson—3.

So the bill passed. The title was agreed to.

Mr. Stickney submitted the following report:

The committee of Conference on the matters of difference between the two Houses on H. B. No. 577—For the relief of Ellis Davis and his sureties, report that after due deliberation they recommend that the Senate recede from its amendment, and agree to the passage of the bill.

E. T. STICKNEY,
J. C. SCHENCK,
T. P. BROWN,
Senate Committee.

JOHN ZUMSTEIN,
O. J. HODGE,
House Committee.

The question being on concurring in said report, the yeas and nays were taken, and resulted—yeas 25, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Burress, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Lewis, Miller, Owens, Philson, Reese, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—25.

Those who voted in the negative were—

Messrs. Brown of Ross and Burrows—2.

So the report was concurred in.

H. B. No. 275—For the relief of albert A. Selkirk, Treasurer of Plain township, Wood county, Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 32, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Philson. Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes and Warnock—32.

Mr. Burns voted in the negative—1.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 280—Mr. Swan—To amend section 4 of an act entitled "An act to provide for the partition of real estate," passed February 17, 1831, and took effect June 1, 1831, (S. & C., p. 896).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 654—Mr. Kemp—To amend section 9 of an act entitled "An act to amend sections 24. 29, 39, 40, 41. 42, 44 and 45, of an act entitled 'an act for the assessment and taxation of property in this State, and for levying taxes thereon according to its true value in money, as amended April 7, 1863," passed and took effect May 8, 1868.

Attest: WM. LEONARD. *Clerk.*

Said bill was read the first time.

On motion of Mr. Burress H. B. No. 676—Supplementary to the act passed March 29, 1867, (64 vol. 80, S. & S., 671), entitled an act to authorize County Commissioners to construct roads on the petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named, and the acts amendatory and supplemental thereto—was taken from the table and read the third time.

Mr. Spangler moved that the bill be referred to a select committee of one with instructions to amend as follows:

In section 1, line 7, after the word "liable," insert the words "jointly with the petitioners," after the word "pay," in same line, insert the words "their proportion of."

Which was agreed to.

Mr. Spangler was appointed such select committee.

Mr. Spangler, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 676, with instructions to amend, reports the same back amended as instructed.

A. SPANGLER.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 24, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Kerr, Knox, Lewis, Miller, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stokes, Swan, Warnock and Williams—24.

Those who voted in the negative were—

Messrs. Brown of Ross, Johnston and Kent—3.

So the bill passed. The title was agreed to.

H. B. No. 709—Requiring the Auditor of Defiance county to refund certain taxes improperly collected.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Reese, Rukenbrod, Schenck, Sheridan, Stanton, Stickney, Stokes, Swan, Warnock and Williams—31.

So the bill passed. The title was agreed to.

Mr. Brown of Ross submitted the following report:

The standing committee on Roads and Highways, to whom was referred H. B. No. 829—To amend (42) section 33 of an act for opening and regulating roads and highways, passed January 27, 1853, (S. & C., pp. 1297-8)—having had the same under consideration, report it back and recommend its passage.

A. L. BROWN, W. SHERIDAN, JR.,
A. SPANGLER, A. R. HAINES,
J. R. JOHNSTON, J. B. WILLIAMS.

The bill was ordered to be read the third time to-morrow.

Mr. Burns submitted the following report:

The standing committee on Military Affairs, to whom was referred H. B. No. 776—To amend an act entitled "An act to amend an act entitled 'an act to enroll the Militia of Ohio, to organize the volunteer militia, and to repeal certain acts therein named,' passed April 2, 1866, and to repeal certain acts therein named," passed April 11, 1876—having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

Amend section 1 by inserting the word "eleven" after the word "section," in line 2.

Amend by inserting at the end of line 6, section 1, the following:

"Section 2. That the original militia of this State shall be composed of such companies of the National guard as were organized under the militia act of April 18, 1870, and the acts amendatory thereof, and supplementary thereto, and such other companies, troops and batteries as may be formed under this act; provided, that the whole number of infantry shall not exceed one hundred and fifty, of artillery twelve, and of cavalry 6, except as provided in sections 49 and 50 of this act, and such organizations hereafter formed shall be apportioned throughout the State, as nearly as may be in accordance with the population and requirements of the several counties, and shall be known as the Ohio National Guard, and may be ordered into active service by the Governor to aid the civil officers to suppress or prevent riots or insurrections, or to repeal or prevent invasion, and shall, in all cases, be first called into service."

In section 35, lines 25 and 26, strike out the words "or troops of cavalry."

In section 2, line 1, after the word "sections" insert the word "eleven."

ELIAS ELLIS, J. R. PHILSON,
A. M. BURNS, GEO. W. ANDREWS,
J. H. BATES, E. C. LEWIS.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Stanton submitted the following report:

The standing committee on Railroads and Telegraphs, to whom was referred S. B. No. 416—To amend an act to amend an act to provide for and regulate street railroad companies, passed February 19, 1870– having had the same under consideration, report it back without recommendation.

R. STANTON, N. P. BURRESS,
M. KENT, JNO. H. HUDSON,
J. H. BATES, JOHN AULT.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Rukenbrod submitted the following report:

The standing committee on Geological Survey, to whom was referred S. R. No 68—Relating to the delay in printing volume three of the geological report—having had the same under consideration, report that they find a combination of circumstances operated to delay the issuing of volume three of the geological report; the chief of which has been the incompleteness of the various sub-reports which were to form the volume. At the time it was ordered, the field work had been essentially done, and a large part of the manuscript record written, but all the matter thus prepared required, thorough revision and some wanting material had to be supplied.

A general review of the geology of the State, brought sharply up to date, was deemed of interest for this volume, embodying the final results of the investigations of all geological questions which had been considered by the corps. This involved to some extent, the recasting of the volume and the addition of much new matter, filling out and completing the work in such a manner as must of necessity contribute much to the dimensions and value of the volume, and will render it more satisfactory and creditable to the people of the State.

There has also been furnished for volume three a geological and geographical map of the State, with the coloring executed in the various formations in more detail than would have been possible without much labor, devoted to that special object. To this general map has been added six other maps of the most important mining districts of the State, showing the limits of mining properties and the survey of mines actually worked.

Prof. J. S. Newberry appeared, personally, before the committee, and stated the balance of the manuscript would be completed and put into the hands of the printer as soon as the latter could use the same. Since then much of it has been forwarded, and is now in the compositors' hands, ready to be set up in type.

Messrs. Nevins & Myers, State Printers, also personally appeared before the committee and pledged the volume in question should be printed and ready for distribution not later than the 15th of July next, and that the members of the General Assembly may confidently rely upon the fulfillment of the promise thus given.

The committee would further state that there has been prepared the greater part of a volume on paleontology to accompany this report, which, in the judgment of the geological corps, seems necessary, on account of the new and interesting material gathered, which, if published, would add much to the completeness and symmetry of the entire work. Also, there are ready, or nearly so, additional volumes on zoology and economic geology; none of these volumes have been included in the estimate for publication, upon which the last appropriation was made. Your committee would recommend that when these several manuscripts are fully completed and ready for the press, they be carefully deposited in the office of the Secretary of State, to await such action in regard to their publication as a future General Assembly may deem wise and proper.

J. K. Rukenbrod, Wm. W. Beatty,
I. T. Monahan, J. R. Johnston.

The report was ordered to be spread upon the Journal.

Mr. Rukenbrod submitted the following report:

The standing committee on Temperance to whom was referred S. B. No. 385—To confer on cities and incorporated villages, having a population of less than twenty thousand inhabitants at the last Federal census, power to restrain, regulate and prohibit the sale of intoxicating liquors where a school or college exists within the limits of such city or incorporated village, having had the same under consideration, report it back with following amendments, and recommend its passage when so amended:

In section 1, line 2, strike out all after the word "whenever" to and including the word "limits" in line 3, and insert in lieu thereof the words, "twenty or more electors, residents."

In line 4. same section, strike out all after the word "Ohio" to and including the word "inhabitants" in line 5.

In lines 6 and 9, strike out the words "common," and in line 11 strike out the the word "spring."

J. R. Philson, J. K. Rukenrrod,
H. V. Kerr, W. H. Stokes.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Warnock submitted the following report:

The standing committee on Corporations other than Municipal to whom was referred H. B. No. 797—To authorize the Trustees of Darby township, Madison county, to transfer certain funds mentioned therein, having had the same under consideration, report it back and recommend its passage.

W. R. Warnock, R. Stanton,
W. W. Beatty, R. E. Reese,
Geo. W. Andrews.

The bill was ordered to be read the third time to-morrow.

Mr. Knox submitted the following report:

The standing committee on Common Schools, to whom was referred H. B. No. 774—Amendatory of and supplementary to an act to create a special school district in Mentor township, Lake county. Ohio, (Laws of Ohio, volume 73, page 297,) having had the same under consideration, report it back without recommendation.

Samuel Knox, Edward P. Ransom,
E. T. Stickney, James W. Owens,
W. R. Warnock.

The bill was ordered to be read the third time to-morrow.

Mr. Kleinschmidt submitted the following report:

The select committee of four to whom was referred H. B. No. 642—To provide for the erection of bridges over Mill creek and the Cincinnati, Hamilton and Dayton railroad, in Hamilton county, report it back and recommend its passage.

H. Kessler, J. H. Bates,
E. F. Kleinschmidt, E. P. Ransom.

The bill was ordered to be read the third time Monday.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has acceded to the request of the Senate, for a committee of conference on matters of difference between the two Houses on—

S. B. No. 407—Mr. Burns—To amend section 313 of the code of civil procdeure as amended March 23, 1875, (O. L., vol., 75, p. 77.)

The Speaker appointed Messrs. Howland, Scheble and Duncan on the part of the House.

Attest: Wm. Leonard, *Clerk.*

The President appointed Messrs. Bates, Burns and Warnock as members of such committee on the part of the Senate.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 714—Mr. Oglevee—Supplementary to an act to more effectually provide for locating, establishing and constructing ditches, drains and water courses in townships, and to repeal certain acts therein named, passed April 18, 1874, (O. L., vol. 71, p. 124.)

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 906—Mr. Cowgill—To amend section 9, of an act to establish and maintain an Agricultural and Mechanical College in Ohio, passed and took effect March 22, 1870, (O. L., vol. 67, pages 21 and 23.)

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

Mr. Rukenbrod, on leave, offered the following joint resolution:

S. J. R. No. 70—*Resolved by the General Assembly of the State of Ohio,* That the Railroad Commissioner be and he is hereby instructed to confer with authorities of other States, as far as practicable, with a view to the adoption of an improved system of accounts for railroad corporations, and that he report his action herein to the next General Assembly.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas Burress, Curtiss, Haines, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Reese, Rukenbrod, Schenck, Stanton, Stickney, Stokes and Swan—24.

So the resolution was adopted.

On motion of Mr. Miller, H. B. No. 831—Vesting the Police Commissioners with certain powers and duties of a Board of Health in cities of the second class, having a population of more than thirty-one thousand and less than thirty-five thousand at the last Federal census, and not having a Board of Health, was taken from the table.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Lucas, Burns, Burrows, Curtiss, Haines. Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Philson, Reese, Rukenbrod, Schenck, Spangler, Stickney, Stokes, Swan and Williams—24.

So the bill passed. The title was agreed to.

On motion of Mr. Johnston, S. B. No. 320—Supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, was taken from the table.

Mr. Johnston moved that the bill be referred to a select committee of one with instructions to amend as follows:

In line 3, section 1, between the words "act" and "service" insert the following: "Or for any other purpose."

In same line and section, between the words "made" and "by" insert

the following: "Upon defendants residing without the county within which such action is brought."

Which was agreed to.

Mr. Johnston was appointed such select committee.

Mr. Johnston, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 320, with instructions to amend, reports the same back amended as instructed.

J. R. JOHNSTON.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 12, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Brown of Lucas, Burns, Ellis, Haines, Johnston, Kent, Kerr, Kessler, Lewis, Stickney, Stokes and Swan—12.

Those who voted in the negative were—

Messrs. Bates, Burress, Curtiss, Hudson, Kleinschmidt, Monahan, Owens, Philson, Spangler, Stanton and Williams—11.

So the bill was lost.

On motion of Mr. Burns, the vote whereby said bill was lost was reconsidered.

The bill was laid on the table.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled, the following bill:

H. B. No. 595—To authorize the Board of County Commissioners of Hamilton county to extend Mitchell avenue under the Miami and Erie canal, and to levy a tax to defray the expenses thereof.

THOS. S. LUCCOCK, ASA TOBEREN,
J. W. WASHBURN, C. J. SWAN,
T. P. BROWN.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bill:

H. B. No. 595—Mr. Wiltsee—To authorize the Board of County Commissioners of Hamilton county to extend Mitchell avenue under the Miami and Erie canal, and to levy a tax to defray the expense thereof.

Attest: WM. LEONARD, *Clerk.*

The President, in the presence of the Senate, signed said bill.

On motion of Mr. Haines, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

SATURDAY, APRIL 28, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

On demand of Mr. Stanton, a call of the Senate was had.

Twenty-eight Senators answered to their names.

Senators absent were—

Messrs. Ault, Bates, Haines, Monahan, Ransom, Schenck, Sheridan and Warnock—8.

On motion of Mr. Beatty, all further proceedings under the call were dispensed with.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to the following bills—

H. B. No. 830—Mr. Oglevee—To amend section one of an act to amend sections one and four of an act entitled "An act to provide for the repair of free turnpike roads in certain counties, and to authorize the County Commissioners, of any county in this State to constitute a Board of Directors to regulate the hauling of heavy burdens on any free turnpike or improved road," passed and took effect April 20, 1874, passed March 17, 1875, (O. L., vol. 72, p. 59), passed April 3, 1876, (O. L., vol. 73, p. 151).

H. B. No. 823—Mr. Garwood—For the relief of the Road Commissioners of the Marysville, New California and Franklin county line free turnpike.

H. B. No. 812—Mr. Barnett—Creating a Special School District in Sandusky township, Richland county, Ohio.

H. B. No. 396—Mr. Eylar—Supplementary to an act entitled "An act to authorize the election of an additional Judge of the Court of Common Pleas in the first subdivision of the Fifth Judicial District of the State of Ohio," passed April 20, 1871, (O. L., vol. 68, p. 68).

H. B. No. 668—Mr. Huberich—To amend an act entitled "An act to authorize the Common Councils of certain cities of the first class to issue Water Works bonds, passed April 11, 1876, (O. L., vol. 73, p. 217).

H. B. No. 876—Mr. Hitchcock—To consolidate, revise and amend the statutes relating to jails and the penitentiary, to be known as "part 2, title 3, jails and penitentiary."

H. B. No. 886—Mr. Richards—To amend section eighty-seven of an act entitled "An act to provide for the organization and government of Municipal Corporations," passed May 7, 1869, (O. L., vol. 66, p. 164).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 896—Mr. Garwood—To authorize the Council of the incorporated village of Marysville, Union county, Ohio, to levy a tax to build a town hall.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 418—Mr. Andrews—To authorize the transfer of certain funds therein named, now in the treasury of the city of Fremont, county of Sandusky, and State of Ohio.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 904—Mr. Stone—To amend paragraph six of section twenty-one, of an act to regulate and govern the Ohio penitentiary, and to repeal certain acts therein named," passed March 16, 1876.

H. B. No. 905—Mr. McLain—Appropriating money to pay for transcribing certain muster-rolls of Ohio volunteers into permanent record books.

H. B. No. 906—Mr. Cowgill—To amend section nine of an act to establish and maintain an Agricultural and Mechanical College in Ohio, passed and took effect March 22, 1870, (O. L., vol. 67, pp. 22, 23).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 907—Mr. Converse—To provide for erecting suitable headstones at the graves of the Union soldiers buried at Green Lawn cemetery.

H. B. No. 908—Mr. Perkins—To authorize the Council of the incorporated village of Medina to purchase a fire engine and provide to pay for the same.

H. B. No. 909—Mr. Hodge—To amend section two of an act entitled "An act regarding the maintenance and repair of streets, alleys, etc., in cities of the first class, having a population of more than ninety thousand and lessthan one hundred and fifty thousand inhabitants at the last federal census," passed April —, 1877, and to repeal said original section.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 910—Mr. Wiltsee—To provide for the relief of W. R. Looker, of Hamilton county.

H. B. No. 911—Mr. Groom—To repeal an act entitled "An act to create a Special School District in school districts numbers six and seven, in Norwich township, Franklin county, Ohio, and school districts numbers four and five, in Brown township, in said county, and school district number two, in Prairie township, in said county," passed April 26, 1877.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 851—Mr. Sorter—To amend section thirty-four of an act to provide for the creation and regulation of incorporated companies in the State of Ohio, (Swan & Critchfield, page 295).

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 749—Mr. Seifert—To provide for surveying, platting and recording certain lands in this State.

H. B. No. 862—Mr. Converse—To punish offenses on street railroad cars.

H. B. No. 883—Mr. Wales—For the relief of Hiram W. Donley, treasurer of Turtle Creek township, Warren county, Ohio.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker has appointed Messrs. Entrekin and Neal, *vice* Scheble and Duncan, on the committee of conference on matters of difference between the two Houses on—

S. B. No. 407—Mr. Burns—To amend section 313 of the code of civil procedure, as amended March 23, 1875, (O. L., Vol. 75, p. 77).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments Nos. 2, 4, 5, 6, 7, 8, 9, 11, 12, 13, 16, 17, 18, 19, 20 and 23, to—

H. B. No. 607—Mr. Quinby—To amend, revise and consolidate the statutes relating to crimes, and repeal certain acts therein named, to be known as title one, crimes and offenses, part four, of the act to revise and consolidate the general statutes of Ohio;

Also, has concurred in the 21st amendment, with the following amendment: by inserting the word "which" before the word "cautions."

And the House has disagreed to Senate amendments Nos. 1, 3, 10, 14, 15 and 22, and asks for a committee of conference.

The Speaker has appointed Messrs. Howland, Converse and Nigh on the part of the House.

Attest: WM. LEONARD, *Clerk.*

The request of the House of Representatives was acceded to.

Messrs. Burns, Burrows and Owens were appointed as members of such committee on part of the Senate.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 838—Mr. Breck—To authorize the Trustees of Brecksville township, Cuyahoga county, to levy a tax for certain purposes mentioned therein.

H. B. No. 839—Mr. Krimmel—To authorize the Board of Education of the incorporated village of Williamsport, Pickaway county, Ohio, and territory annexed for school purposes, to borrow money and levy a tax to pay cretain indebtedness.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

Mr. Knox submitted the following report:

The committee of conference, appointed to consider the matters of difference between the two Houses on H. B. No. 664—Mr. McLain—Making appropriations for the fiscal year 1877, and the first quarter of the fiscal year 1878, recommend as follows, viz:

1st. That the Senate recede from its amendments Nos. 3, 12, 21, 23, 24, 31 and 32.

2d. That the House recede from its disagreement to Senate amendments Nos. 5, 17, 22 and 30.

3d. That Senate amendment number four be amended so as to read as follows, viz: "for extra clerk hire, eight hundred dollars."

4th. That Senate amendment number six be amended so as to read as follows, viz: "Three thousand dollars to complete the removal of obstructions in what is known as the "'Providence Slackwater,'" on the Miami and Erie canal: *Provided*, that no part of said appropriation shall be paid out until the Board of Public Works shall have entered into a contract secured by bond, with responsible parties, to fully and entirely complete said work for a price not to exceed the amount of this appropriation."

5th. That Senate amendment number seven be amended so as to read as follows: "That there be, and hereby is appropriated, the sum of ten thousand dollars for the purpose of removing obstructions and improving the Miami river between the Lewistown reservoir and the town of Quincy, in Logan county; said work to be done under the supervision of the Board of Public Works, who are required to make a report of their proceedings under this appropriation in their next annual report.

That there be, and hereby is appropriated, the sum of five thousand dollars for the purpose of compensating owners of lands adjacent to the Lewistown reservoir, for damage done by the flooding of said lands with backwater, and destruction of drainage, by reason of the construction and maintenance of said reservoir; and the Board of Public Works is hereby authorized to settle with the owners of said lands and obtain easements therefor.

6th. That the Senate concur in House amendment to Senate amendment number eight.

7th. That Senate amendment number ten be amended so as to read as follows, viz: "For reimbursement of Commissioners of Common Schools, for extra expenses incurred in preparing for school exhibit at the Centennial Exhibition, seven hundred and fifty dollars, to be paid from the Centennial Managers' fund.

8th. That Senate amendment number twenty-five be amended so as to read as follows, viz: "That the treasury of Ashtabula county be reimbursed twelve hundred dollars in the next settlement with said county, for extra services, and taking in short hand and reporting the testimony of the Ashtabula disaster, which testimony was used by the committee appointed by the General Assembly to investigate that subject; and the Commissioners of Ashtabula county are hereby authorized to pay out of that sum such an amount to the jurors of the Coroner's inquest of said county, for extraordinary services in said investigation, as they may deem just."

9th. That Senate amendment number thirty-four be amended so as to read as follows, viz: "*Provided*, that the contract under which said boys are supported, shall terminate on February 1, 1878; and the Probate Judge of Lucas county shall transfer such boys, at the expense of the State, to the Reform Farm, near Lancaster, at such times, and in such detachments, as the Attorney-General shall direct, after the said first day of February, 1878.

SAMUEL KNOX,
T. P. BROWN,
JNO. H. HUDSON,
Senate Committee.

THOS. J. MCLAIN, JR.,
WM. D. SMITH,
CONRAD HUBERICH,
House Committee.

The question being on concurring in said report, the yeas and nays were taken and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Reese, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Stokes and Williams—29.

So the report was concurred in.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills and joint resolution:

H. J. R. No. 109—Awarding damages to H. P. Clough & Co.

H. B. No. 595—To authorize the Board of County Commissioners of Hamilton county to extend Mitchell avenue under the Miami and Erie canal, and to levy a tax to defray the expense thereof.

H. B. No. 478—Supplementary to the act entitled an act to authorize county Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, passed March 29, 1867, and amended by subsequent acts.

H. B. No. 396—Supplementary to an act entitled "An act to authorize the election of an additional Judge of the Court of Common Pleas in

the first subdivision of the Fifth Judicial District of the State of Ohio," passed April 20, 1871. (O. L., vol. 68, p. 68).

H. B. No. 779—To authorize the transfer of certain public lands in the Village of Sunbury, Delaware county, Ohio, to the Board of Education of Sunbury Special School District, Delaware county, Ohio.

H. B. No. 903—To authorize the Commissioners of Ashtabula county to build a barn on the Infirmary farm, in place of one lately burned down.

E. L. Lybarger, Thos. S. Luccock,
Asa Toberen, H. V. Kerr,
E. C. Lewis.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and joint resolution:

H. B. No. 903—Mr. Howland—To authorize the Commissioners of Ashtabula county to build a barn on the Infirmary farm, in place of one lately burned down.

H. B. No. 396—Mr. Eylar—Supplementary to an act entitled "An act to authorize the election of an additional Judge of the Court of Common Pleas in the first subdivision of the Fifth Judicial District of the State of Ohio," passed April 20, 1871, (O. L., vol. 68, p. 68).

H. B. No. 779—Mr. Carothers—To authorize the transfer of certain public lands in the village of Sunbury, Delaware county, to the Board of Education of Sunbury Special School District, Delaware county, Ohio.

H. B. No. 478—Mr. Hostetter—Supplementary to the act entitled an act to authorize County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, passed March 29, 1867, and amended by subsequent acts.

H. B. No. 595—Mr. Wiltsee—To authorize the Board of County Commissioners of Hamilton county to extend Mitchell avenue under the Miami and Erie canal, and to levy a tax to defray the expense thereof.

H. J. R. No. 109—Mr. Neal—Awarding damages to H. P. Clough & Co.

Attest: Wm. Leonard, *Clerk.*

The President, in the presence of the Senate, signed said bill and joint resolution.

Bills were read the second time and referred as follows:

H. B. No. 866—To limit taxation in certain counties in this State.

To the committee on Municipal Corporations.

H. B. No. 897—Supplementary to the act entitled an act relating to juries, passed April 26, 1873; also, an act entitled an act to amend section 2 of the act entitled an act relating to juries, passed April 26, 1873, passed March 9, 1876; also, the act entitled an act to regulate the fees of Probate Judges, Clerks of the Courts, Sheriffs, Witnesses, juror's fees in partitions, and to repeal certain acts therein named, passed April 8, 1876, and to repeal the same, so far as the same may be applicable to the provisions of this act.

To a select committee of two—Messrs. Curtiss and Schenck.

H. B. No. 891—For enlarging the gas works at the Asylum for Idiotic Youth.

To the committee on Finance.

H. B. No. 911—To repeal an act entitled an act to create a special school district in school districts No.'s 6 and 7, in Norwich township, Franklin county, Ohio, and school districts No.'s 4 and 5 in Brown township, in said county, and school district No. 2 in Prairie township, in said county, passed April 21, 1877.

To the committee on Common Schools.

H. B. No. 909—To amend section 2 of an act entitled an act regarding the maintenance and repair of streets, alleys, etc., in cities of the first class having a population of more than ninety thousand and less than one hundred and fifty thousand inhabitants at the last federal census, passed April —, 1877, and to repeal said original section.

To the Committee on Municipal Corporations.

H. B. No. 654—To amend section 9 of an act entitled an act to amend sections 24, 29, 39, 40, 41, 42, 44 and 45 of an act entitled an act for the assessment and taxation of property in this State and for levying taxes thereon according to its true value in money, as amended April 7, 1863, passed and took effect May 8, 1868.

To the committee on Finance.

H. B No. 714—Supplementary to an act to more effectually provide for locating, establishing and constructing ditches, drains and water courses in townships, and to repeal certain acts therein named, passed April 18, 1874 (O. L., vol. 71, p. 124).

To the committee on Agriculture.

H. B. No. 906—To amend section 9 of an act to establish and maintain an Agricultural and Mechanical College in Ohio, passed and took effect March 22, 1870 (O. L., vol. 67, pp. 21 and 22).

To the committee on Universities and Colleges.

S. B. No. 421—To authorize the City Council of the city of South Toledo to issue bonds and borrow money for completing a certain road therein named.

To the committee on Municipal Corporations.

S. B. No. 422—To authorize the Board of Public Works to construct a drain or sewer under the Wabash and Erie canal, leading to the Maumee river at Maumee, Lucas county, Ohio.

To the committee on Public Works.

On motion of Mr. Swan, the Senate went into executive session for the further consideration of the nominations of the Governor for Trustees of the Ohio Agricultural and Mechanical College.

After some time spent in secret session, the session was dissolved, and the proceedings thereof, which were as follows, spread upon the Journal:

The question being on consenting to said appointment of Ralph Leete, the yeas and nays were taken, and resulted, yeas 25, nays 2, as follows:

Those who voted in the affirmative were

Messrs. Andrews, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Miller, Owens, Philson, Reese, Rukenbrod, Sheridan, Spangler, Stickney, Stokes, Swan and Williams—25.

Those who voted in the negative were—

Messrs. Kent and Stanton—2.

So the Senate advised and consented to said appointment.

The question being on consenting to said appointment of Jos. Sullivant, the yeas and nays were taken, and resulted, yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Miller, Owens,, Philson, Reese, Rukenbrod, Sheridan, Spangler, Stickney, Stokes, Swan and Williams—27.

So the Senate advised and consented to said appointment.

The question being on consenting to said appointment of J. W. Caldwell, the yeas and nays were taken and resulted, yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates. Beatty. Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kleinschmidt Knox, Miller, Owens, Philson, Reese. Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Williams—28.

So the Senate advised and consented to said appointment.

The question being on consenting to said appointment of Thomas Mickey, the yeas and nays were taken, and resulted, yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Curtiss, Ellis, Haines, Kent, Kerr, Kessler, Kleinschmidt, Knox, Miller, Owens, Philson, Reese, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Williams—27.

So the Senate advised and consented to said appointment.

The question being on consenting to said appointment of A. W. Glazier, the yeas and nays were taken, and resulted, yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Miller, Owens, Philson, Reese, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Williams—27.

So the Senate advised and consented to said appointment.

The question being on consenting to said appointment of J. B. Jamison, the yeas and nays were taken, and resulted, yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Owens, Philson, Rukenbrod, Spangler, Stanton, Stickney, Stokes, Swan and Williams—25.

So the Senate advised and consented to said appointment.

The question being on consenting to said appointment of A. B. Cornell, the yeas and nays were taken, and resulted, yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Miller, Owens, Philson, Reese, Rukenbrod, Sheridan, Spangler, Stanton, Swan and Williams—25.

So the Senate advised and consented to said appointment.

The question being on consenting to said appointment of W. S. Streator, the yeas and nays were taken, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kleinschmidt, Knox, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stanton, Swan and Williams —21.

So the Senate advised and consented to said appointment.

The nominations having been confirmed, the session was dissolved.

Messrs, Ellis and Brown of Lucas were granted leave to record their votes on the nominations confirmed on Thursday.

Their names being called, they voted in the affirmative.

S. B. No. 329—Authorizing district courts to order abstracts of legal notices and advertisements to be published in counties constituting for itself a judicial district;

Was read the third time.

Mr. Rukenbrod moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section 1, line 2, after the word "State" insert the following: "Containing a city of the first class having a population of more than two hundred thousand at the last federal census.

Which was agreed to.

Mr. Rukenbrod was appointed such select committee.

Mr. Rukenbrod, on leave, submitted the following report:

The select committee of one, to whom was referred S. B. No. 329, with instructions to amend, reports the same back amended as instructed.

J. K. Rukenbrod.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 19, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Curtiss, Ellis, Haines, Johnston. Kent, Kessler, Kleinschmidt, Knox, Owens, Philson, Reese, Rukenbrod, Spangler, Swan and Williams—19.

Mr. Burress voted in the negative—1.

So the bill passed. The title was agreed to.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed S. B.'s No.'s 385 and 416.

Wm. W. Beatty,
H. V. Kerr,
Jas. W. Owens.

H. B. No. 743—To create a special school district in Mesopotamia township, Trumbull county.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Owens, Philson, Reese, Rukenbrod, Spangler, Stokes, Swan and Williams—23.

So the bill passed. The title was agreed to.

On motion of Mr. Kessler, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

MONDAY, APRIL 30, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

On demand of Mr. Miller, a call of the Senate was had.

Seventeen Senators answered to their names.

Senators absent were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Burrows, Ellis, Hudson, Johnston, Kerr, Kleinschmidt, Monahan, Reese, Spangler, Stickney, Stokes and Warnock—19.

On motion of Mr. Owens, the Sergeant-at-Arms was dispatched for absentees.

Messrs. Bates, Beatty, Burrows, Kerr, Kleinschmidt, Monahan, Sheridan, Stickney and Warnock appeared within the bar and answered to their names.

On motion of Mr. Miller, all further proceeding under the call were dispensed with.

Bills were read the second time and referred as follows:

H. B. No. 896—To authorize the council of the incorporated village of Marysville, Union county, Ohio, to levy a tax to build a town hall.

To the committee on Municipal Corporations.

H. B. No. 851—To amend section thirty-four of an act to provide for the creation and regulation of incorporated companies in the State of Ohio, (Swan & Critchfield, page 295.)

To the committee on Municipal Corporations.

H. B. No. 749—To provide for surveying, platting and recording certain lands in this State.

To the committee on Judiciary.

H. B. No. 862—To punish offenses on street railroad cars.

To the committee on Municipal Corporations.

H. B. No. 883—For the relief of Hiram W. Donley, treasurer of Turtle Creek township, Warren county, Ohio.

To the committee on Finance.

H. B. No. 838—To authorize the Trustees of Brecksville township, Cuyahoga county, to levy a tax for certain purposes mentioned therein.

To the committee on Municipal Corporations.

H. B. No. 839—To authorize the Board of Education of the incorporated village of Williamsport, Pickaway county, Ohio, and territory annexed for school purposes, to borrow money and levy a tax to pay certain indebtedness.

To the committee on Common Schools.

H. B. No. 778—To amend sections 1, 2, 3, 4 and 7 of an act to regulate the sale of mineral oils, and other substances for illuminating purposes, and to repeal certain enactments therein named, passed April 16, 1867, (Swan & Sayler, 402,) and as amended April 27, 1872, (volume 69.)

Was read the third time and laid on the table.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled, the following bills:

S. B. No. 406—Supplementary to an act to authorize the incorporation of Boards of Trades and Chambers of Commerce.

S. B. No. 405—To authorize the Commissioners of Meigs county to levy a tax for improving the road leading from Pomeroy to Racine.

S. B. No. 367—To authorize the Board of Education of the special

school district of the village of Ottawa, Putnam county, Ohio, to levy an additional tax for school purposes.

S. B. No. 403—To authorize the city council of Newark and the Commissioners to unite in building a sewer.

S. B. No. 358—To authorize the transfer of certain funds therein named, now remaining in the treasury of Lexington, Richland county.

S. B. No. 347—To authorize the Commissioners of Jackson county to transfer certain funds to the poor and county funds of said county.

S. B. No. 382—To authorize narrow-gauge railroads to issue bonds.

C. J. Swan, T. P. Brown,
H. V. Kerr, E. L. Lybarger,
Thos. S. Luccock.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

S. B. No. 406—Mr. Brown of Lucas—Supplementary to an act to authorize the incorporation of Boards of Trades and Chambers of Commerce.

S. B. No. 405—Mr. Philson—To authorize the Commissioners of Meigs county, Ohio, to levy a tax for improving the road leading from the city of Pomeroy, to the village of Racine, in said county.

S. B. No. 367—Mr. Swan—To authorize the Board of Education of the special school district of the incorporated village of Ottawa, Putnam county, Ohio, to levy an additional tax for school purposes.

S. B. No. 403—Mr. Owens—To authorize the city council of Newark, and the County Commissioners, to unite in building a sewer in said city, and to provide the necessary funds therefor.

S. B. No. 358—Mr. Burns—To authorize the transfer of certain funds therein named, now in the treasury of the incorporated village of Lexington, Richland county.

S. B. No. 347—Mr. Monahan—To authorize the Commissioners of Jackson county to transfer certain funds to the poor funds of said county.

S. B. No. 382—Mr. Kerr—To authorize narrow-gauge railroad companies to issue bonds.

Attest: Wm. Leonard, *Clerk.*

The President, in presence of the Senate, signed said bills.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled, the following bills:

H. B. No. 633—To amend section 7 of an act to authorize the county Commissioners to construct roads on the petition of a majority &c.

H. B. No. 731—To amend section 2 of an act entitled "An act, &c."

H. B. No. 835—For the relief of the official sureties of Cortez Stephens, deceased, late treasurer, &c.

H. B. No. 853—Relating to certain proposed amendments to the constitution, &c.

H. B. No. 809—To authorize the trustees of Shalersville township, Portage county, Ohio, &c.

H. B. No. 848—To amend section 1 of an act entitled "An act to authorize the Board of County Commissioners of Delaware county," &c.

J. W. Washburn, Asa Toberen,
E. L. Lybarger, Thos. S. Luccock,
C. J. Swan, T. P. Brown.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 731—Mr. Haley—To amend section second of an act entitled "An act to authorize County Commissioners to locate and construct turnpike roads," passed April 30, 1869.

H. B. No. 848—Mr. Carothers—To amend section one of an act entitled "An act to authorize the Board of County Commissioners of Delaware county, to levy a tax for the purpose of building a county jail in said county," passed and took effect March 14, A. D. 1877.

H. B. No. 633—Mr. Hostetter—To amend section seventh of an act to authorize the County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act named therein, as passed March 29, 1867, (O. L., vol 64, p. 83,) as amended April 11, 1876, (O. L. vol. 73, p. 169.)

H. B. No. 853—Mr. Howland—Relating to certain proposed amendments to the constitution and the publication thereof.

H. B. No. 809—Mr. Blake—To authorize the trustees of Shalersville township, Portage county, to levy a tax for certain purposes mentioned therein.

H. B. No. 835—Mr. Perkins—For the relief of the official sureties of Cortez Stephens, deceased, late treasurer of the township of Brunswick, Medina county, Ohio.

Attest: Wm. Leonard, *Clerk.*

The President, in presence of the Senate, signed said bills.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 346—Mr. Swan—To amend section 70 of an act entitled an act to establish a code of civil procedure, passed March 11, 1853, and amended April 3, 1862, (Swan & Sayler's statutes, 543), as amended February 11, 1874, (O. L., vol. 71, p. 4).

With the following amendments, in which the concurrence of the Senate is requested:

Add at the end of line 37 the following:

"Provided, that in all the foregoing cases, where the residence of the non-resident party is known, or can be ascertained with reasonable diligence, such residence shall be stated in the published notice, and besides the notice of publication, the party making the service shall, immediately after the first publication, deliver to the clerk of the court in which the action is pending, as many copies of the published notice as there are non-resident parties to be served, and the clerk shall forthwith

forward, through the mail, a copy of the printed notice to each one of the non-resident parties to be served, to the residence named in the notice, and shall make a minute thereof on the docket, in connection with the case, the expense of sending such notices to be advanced to the clerk by the party causing the service to be made, the amount thereof to be taxed in the costs, the same as other costs of making service, and in all cases in which the residence of the parties to be served is not so disclosed, and is unknown, and cannot be ascertained, with reasonable diligence, the party making the service, his agent or attorneys, shall make and file with the clerk of the court in which the action is pending, and before the hearing thereof, an affidavit that the residence of the party to be served is not disclosed of record, in the manner aforesaid, that such residence is unknow to him and cannot be ascertained with reasonable diligence."

The provisions of this section shall also apply to all parties brought into suits by cross petition.

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken and resulted—yeas, 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stickney, Stokes, Swan and Williams—24.

So the amendments were concurred in.

H. B. No. 855—To create a special school district in Richland township, Wyandot county, and to authorize the Board of Education of said township to transfer certain funds to the Board of Education of said special district.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—27.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has reconsidered its vote whereby it concurred in Senate amendments to—

H. B. No. 876—Mr. Hitchcock, from committee on Revision and Codification of the Statutes—To consolidate, revise and amend the statutes relating to jails and the penitentiary, to be known as "Part 2, Title 3, Jails and Penitentiary"—and has disagreed to the amendments.

Attest: WM. LEONARD, *Clerk.*

Mr. Knox moved that Senate Rule No. 36—Prohibiting the reconsideration of a vote after two days has elapsed from its taking, be suspended.

On which motion the yeas and nays were demanded, taken, and resulted, yeas 29,nays none, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—29.

So the rules were suspended.

Mr. Knox moved that the vote whereby said H. B. No. 876 was passed, be reconsidered.

Which was agreed to.

Mr. Knox moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Insert immediately after the title, "Be it enacted by the General Assembly of the State of Ohio, as follows."

Which was agreed to.

Mr. Knox was appointed such select committee.

Mr. Knox, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 876, with instructions to amend, reports the same back amended as instructed.

SAMUEL KNOX.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Beatty, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stokes, Swan, Warnock and Williams—27.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. J. R. No. 111—Mr. Howland—Fixing the time for *sine die* adjournment—and asks for a committee of conference.

The Speaker has appointed Messrs. Barrett, Hitchcock and Neal, on the part of the House.

Attest: WM. LEONARD, *Clerk.*

Mr. Ransom moved that the Senate refuse to accede to said request for a committee of conference.

Which was agreed to.

H. B. No. 768—To secure pay to persons performing labor or furnishing materials in constructing turnpike or improved roads.

Was read the third time.

Mr. Swan moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In line 14, section 1, strike out the word "ninety," and insert in lieu thereof the word "sixty."

Which was agreed to.

Mr. Swan was appointed such select committee.

Mr. Swan, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 768, with instructions to amend, reports the same back amended as instructed.

C. J. SWAN.

Mr. Swan moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section one, line 9, strike out the word "ninety," and insert the word "sixty."

Which was agreed to.

Mr. Swan was appointed such select committee.

Mr. Swan, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 768, with instructions to amend, reports the same back amended as instructed.

C. J. SWAN.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 13, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Ross, Burns, Burrows, Curtiss, Kent, Kessler, Kleinschmidt, Miller, Philson, Swan and Warnock—13.

Those who voted in the negative were—

Messrs. Burress, Ellis, Haines, Hudson, Kerr, Lewis, Owens, Ransom, Reese, Rukenbrod, Sheridan, Stanton, Stickney, Stokes and Williams—15.

So the bill was lost.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills:

H. B. No. 868—To authorize the council of the incorporated village of Brooklyn, Cuyahoga county; State of Ohio, to transfer money from the cemetery fund to the corporation fund.

H. B. No. 823—For the relief of the road commissioners of the Marysville, New California and Franklin county line free turnpike.

H. B. No. 484—To prevent the spread of Canada thistles.

H. B. No. 545—To provide for the use of plats, profiles and surveys in preliminary proceedings for road improvements.

H. B. No. 878—Supplementary to an act entiled "An act to amend sections 66, 67 and 70 of the act entitled 'an act to provide for the creation and regulation of incorporated companies in the State of Ohio,'" passed May 1, 1852, (Swan and Critchfield's stat., 305), and to repeal a certain act amendatory thereto, passed January 26, 1865, (Ohio Laws, volume 62, page 4); (Swan and Sayler, page 239).

H. B. No. 872—To authorize the council of ths incorporated village of Willoughby to issue bonds, and borrow money to pay indebtedness, and for the purpose of completing the macadmizing of Erie street in said village.

E. L. LYBARGER, E. C. LEWIS,
THOS. S. LUCCOCK, C. J. SWAN,
J. W. WASHBURN.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled, the following bills:

H. B. No. 893—To authorize the building of a town hall in the village of East Liverpool, Columbiana county.

H. B. No. 902—To fix the time for holding an additional term of the district court in Scioto county.

H. B. No. 783—To authorize the Commissioners of Richland county, to transfer money from the county fund, &c.

H. B. No. 892—To authorize the Trustees and Board of Education of Columbiana township, Lorain county, &c.

H. B. No. 857—To authorize the Council of the incorporated village of Franklin, in Warren county, &c.

J. W. Washburn, E. L. Lybarger,
Thos. S. Luccock, C. J. Swan,
T. P. Brown.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 484—Mr. Sorter—To prevent the spread of Canada thistles.

H. B. No. 872—Mr. Tryon—To authorize the Council of the incorporated village of Willoughby to issue bonds and borrow money to pay indebtedness, and for the purpose of completing the macadamizing of Erie street in said village.

H. B. No. 868—Mr. Breck—To authorize the Council of the incorporated village of Brooklyn, Cuyahoga county, State of Ohio, to transfer money from the cemetery fund to the corporation fund.

H. B. No. 823—Mr. Garwood—For the relief of the Road Commissioners of the Marysville, New California and Franklin county line free turnpike.

H. B. No. 545—Mr. Dawson—To provide for the use of plats, profiles, and surveys in preliminary proceedings for road improvements.

H. B. No. 878—Mr. Hodge—Supplementary to an act entitled an act to amend sections 66, 67 and 70 of the act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, (S. & C., p. 305,) and to repeal a certain act amendatory thereto, passed January 26, 1865, (O. L., vol. 62, p. 4,) (S. & S., p. 239.)

H. B. No. 892—Mr. Faxon—To authorize the Trustees and Board of Education of Columbia township, Lorain county, Ohio, to levy a tax to build a school house and town hall.

H. B. No. 857—Mr. Wales—To authorize the Council of the incorporated village of Franklin, in Warren county, Ohio, to borrow money and issue bonds for the purpose of purchasing a steam fire engine.

H. B. No. 783—Mr. Barnett—To authorize the Commissioners of Richland county to transfer money from the county fund of said county to the bond and interest fund.

H. B. No. 902—Mr. Sellards—To fix the time for holding an additional term of the district court in Scioto county.

H. B. No. 893—Mr. Boyce—To authorize the building of a town hall in the village of East Liverpool, Columbiana county.

Attest: Wm. Leonard, *Clerk.*

The President, in presence of the Senate, signed said bills:

Mr. Burns, on leave, submitted the following report:

The standing committee on Municipal Corporations to whom was referred H. B. No. 862—Mr. Converse—To punish offenses on street railroad cars, having had the same under consideration, report it back and recommend its passage.

A. M. Burns, J. C. Schenck,
R. E. Reese, Jas. W. Owens.

The bill was ordered to be read the third time to-morrow.

H. B. No. 829—To amend section 33 of an act for opening and regulating roads and highways, passed January 27, 1853. (S. & C. pages 1297–8).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Bates, Beatty, Brown of Ross, Burns, Curtiss, Ellis, Haines, Kent, Kleinschmidt, Knox, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Sheridan, Spangler, Stickney, Stokes, Warnock and Williams—24.

So the bill passed. The title was agreed to.

S. B. No. 416—To amend an act to amend an act to provide for and regulate Street Railroad Companies, passed February 19, 1870.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Bates, Beatty, Brown of Ross, Burrows, Curtiss, Ellis, Haines, Hudson, Kent, Kerr, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan Warnock and Williams—30.

So the bill passed. The title was agreed to.

S. B. No. 385—To confer on cities and incorporated villages having a population of less than twenty thousand inhabitants at the last Federal census, power to restrain, regulate and prohibit the sale of intoxicating liquors, where a school and college exists within the limits of such city or incorporated village.

Was read the third time.

Mr. Lewis moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section 1, line 12, strike out the words "or at a special election."

On which motion the yeas and nays were demanded, taken, and resulted—yeas 14, nays 13, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Burress, Ellis, Haines, Hudson, Kerr, Lewis, Miller, Owens, Ransom, Reese, Stickney, Stokes and Williams—14.

Those who voted in the negative were----

Messrs. Beatty, Brown of Ross, Burns, Burrows, Kent, Knox, Monahan, Philson, Rukenbrod, Spangler, Stanton, Swan and Warnock—13.

So the motion was agreed to.

On motion of Mr. Hudson the vote was reconsidered.

The question being on the motion to refer, the yeas and nays were demanded, taken and resulted—yeas 16, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Burress, Ellis, Haines, Hudson, Kerr, Lewis, Miller,

Monahan, Owens, Reese, Schenck, Sheridan, Stickney, Stokes and Williams—16.

Those who voted in the negative were—

Messrs. Bates, Beatty, Brown of Ross, Burns, Burrows, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Spangler, Stanton, Swan and Warnock—16.

So the motion was disagreed to.

Mr. Kessler moved that the Senate adjourn.

On which motion the yeas and nays were demanded, taken and resulted—yeas 17, nays 14, as follows :

Those who voted in the affirmative were—

Messrs. Ault, Burress, Curtiss, Ellis, Haines, Hudson, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Owens, Reese, Sheridan, Stickney, Stokes and Williams—17.

Those who voted in the negative were----

Messrs. Bates, Brown of Ross, Burns, Burrows, Knox, Monahan, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock---14.

So the motion was agreed to.

The Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

TUESDAY, MAY 1, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives requests a committee of Conference on matters of difference between the two Houses on—

H. B. No. 664—Mr. McLain—Making appropriations for the fiscal year 1877, and the first quarter of the fiscal year, 1878.

Attest: WM. LEONARD, *Clerk.*

The request of the House was acceded to.

The President appointed Messrs. Stanton, Schenck and Burress as members of such committee on part of the Senate.

Mr. Burns submitted the following report:

To the Senate:

The undersigned committee of Conference on the matters of difference between the two Houses on House amendment to S. B. No. 407—having had the same under consideration, recommend that the Senate concur in the House amendment thereto.

A. M. BURNS,
J. H. BATES,
Senate Committee.

W. P. HOWLAND,
J. E. NEAL,
J. C. ENTREKIN,
House Committee.

The question being on concurring in said report, the yeas and nays were taken and resulted—yeas 23, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Burns, Burress, Burrows, Ellis, Haines, Hudson, Kent, Kerr, Miller, Owens, Philson, Ransom, Rukenbrod, Spangler, Stanton, Stickney, Stokes, Swan and Williams—23.

Those who voted in the negative were—

Messrs. Brown of Ross, Curtiss, Kessler, Monahan and Warnock—5.

So said report was concurred in.

On motion of Mr. Warnock the vote whereby—

H. B. No. 768—To secure pay to persons performing labor or furnishing materials in constructing turnpike or improved roads, was lost, was reconsidered.

The bill was laid on the table.

Mr. Swan, on leave, offered the following resolution:

S. R. No. 103—*Resolved*, That Edward L. Jones, Sergeant-at-Arms of the Senate, be allowed one hundred dollars for labor performed during adjournment, and for labor required in putting the Senate Chamber in order after adjournment.

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Curtiss, Ellis, Haines, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Miller, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—30.

So the resolution was adopted.

Mr. Hudson, on leave, offered the following resolution:

S. R. No. 104—*Resolved*, That the Assistant Clerks of the Senate be allowed the *per diem* of twenty days for extra services performed during the sessions of this General Assembly, and that the President of the Senate be authorized to certify to said *per diem*

Mr. Stanton moved that the resolution be referred to the committee on Finance.

Which was disagreed to.

Mr. Kessler moved that the resolution be laid on the table.

Which was disagreed to.

The question being on the adoption of the resolution, the yeas and and nays were taken and resulted—yeas 22, nays 4, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Burress, Curtiss, Ellis, Haines, Hudson, Kent, Kerr, Kleinschmidt, Lewis, Miller, Monahan, Owens, Philson, Reese, Sheridan, Stickney, Stokes and Williams—22.

Those who voted in the negative were—

Messrs. Rukenbrod, Spangler, Stanton and Swan—4.

So the resolution was adopted.

H. B. No. 841—To authorize the city of Mount Vernon, Ohio, to levy a special tax to equip certain railroad shops in said city.

Was read the third time.

Mr. Beatty moved that the bill be referred to a select committee of one with instructions to amend as follows:

1st—In section 1, line 8, strike out the following words: "A majority"

and insert in lieu thereof "three-fourths."

2d—At the end of same section add the following:

"Provided that before any election shall be held under this act the corporate limits of the city of Mt. Vernon shall be so extended as to include within them all of the shops of said road now located at or near said city."

3d—Provided that no money raised by the tax levied under this act shall be paid to said road or any officer thereof; and all money derived from said tax shall be disbursed by the city council of Mt. Vernon on vouchers for tools and machinery actually purchased in good faith by said road and placed within the shops thereof in the city of Mt. Vernon.

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 26, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Burns, Burress, Curtiss, Ellis, Haines, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Monahan, Owens, Philson, Reese, Schenck, Sheridan, Stickney, Stokes, Swan and Williams—26.

Those who voted in the negative were—

Messrs. Beatty, Burrows, Knox, Rukenbrod, Spangler, Stanton and Warnock—7.

So the bill passed. The title was agreed to.

On motion of Mr. Burrows the Senate took a recess.

THREE O'CLOCK, P. M.

Mr. Knox, on leave, offered the following resolution:

S. R. No. 105—*Resolved*, That the Clerk of the Senate be allowed pay for two hundred days at the rate allowed members and officers of the General Assembly by law, for the employment of clerical aid to complete the records of the Senate Journal of the present session; and that the presiding officer of the Senate is hereby directed to certify in favor of the Clerk for said allowance.

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 33, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—33.

So the resolution was adopted.

Mr. Kessler, on leave, offered the following resolution:

S. R. No. 106—*Resolved*, That the second assistant Sergeant-at-Arms be allowed the *per diem* of twenty days, for extra and faithful services performed during the session of this General Assembly, and that the President of the Senate be authorized to certify to said *per diem*.

Mr. Andrews moved that the words "first and" be inserted between the words "the" and "second."

Which was agreed to.

On demand of Mr. Stanton a division of the question was had.

The question being on the adoption of that part relating to first as-

sistant, the yeas and nays were taken and resulted—yeas 24, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burress, Curtiss, Ellis, Haines, Hudson, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Reese, Schenck, Sheridan, Stickney, Stokes and Williams—24.

Those who voted in the negative were—

Messrs. Rukenbrod, Spangler and Stanton—3.

So the first division was adopted.

The question being on the adoption of that part relating to second assistant, the yeas and nays were taken and resulted—yeas 25, nays 3, as follows:

Those who voted in the affirmative were.

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burress, Curtiss, Ellis, Haines, Hudson, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Reese, Schenck, Sheridan, Stickney, Stokes and Williams—25.

Messrs. Rukenbrod, Spangler and Stanton voted in the negative—3.

So the resolution was adopted.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 119—Mr. Monahan—Fixing the time for final adjournment.

Attest: WM. LEONARD, *Clerk.*

Referred to the committee on Finance.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bill has been introduced in the House of Representatives and read the first time:

H. B. No. 912—Mr. Converse—To enable the Trustees of Marion township, in Franklin county, Ohio, to establish a voting place for said township in the city of Columbus.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 913—Mr. Dirr—To authorize cities of the first-class having a population of over 200,000 to levy an additional tax.

H. B. No. 914—Mr. Holloway—Making special appropriations for immediate construction of additional workshops at the penitentiary.

Attest: WM. LEONARD, *Clerk.*

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled, the following bills and joint resolution:

S. B. No. 199—To provide for the purchase and distribution of the four volumes of J. R. Sayler's statutes.

S. J. R. No. 69—Directing the Secretary of State to ship and distribute certain public documents.

S. B. No. 375—Supplementary to the act to require mortgages or bills of sale of personal property to be deposited with township clerks.

C. J. SWAN, E. C. LEWIS,
T. P. BROWN, E. L. LYBARGER,
H. V. KERR, THOS. S. LUCCOCK.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and joint resolution:

S. B. No. 199—Mr. Bates—To provide for the purchase and distribution of the four volumes of J. R. Sayler's statutes of Ohio, from 1860 to 1875.

S. B. No. 375—Mr. Lewis—Supplementary to the act to require mortgages or bills of sale of personal property to be deposited with township clerks.

S. J. R. No. 69—Mr. Johnston—Directing the Secretary of State to ship and distribute certain public documents.

Attest: WM. LEONARD, *Clerk.*

The President, in the presence of the Senate, signed said bills and joint resolution.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in the passage of—

S. B. No. 294—Mr. Brown of Ross—To amend an act entitled "An act to amend an act fixing the rate of interest" passed January 12, 1824, passed February 18, 1848, (S. & C. p. 744).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 67—Mr. Schenck—Providing for the removal of insane persons to district hospitals, and for the treatment of the chronic insane.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bill has been introduced in the House of Representatives and read the first time:

H. B. No. 915—Mr. Monahan—To authorize the Commissioners of Athens county to pay certain indebtedness.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 905—Mr. McLain—Appropriating money to pay for transcribing certain muster rolls of the Ohio Volunteers into permanent record books, and for obtaining information in regard to Union Soldiers' graves, and providing for suitable head stones.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 676—Mr. Hostetter—Supplementary to the act passed March 29, 1867, (64 vol. 80, S. & S., 671), entitled "An act authorizing County Commissioners to construct roads on the petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named," and the acts amendatory and supplementary thereto.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 765—Mr. Haley—To repeal section 6, of an act entitled an act supplementary to an act entitled "An act for the assessment and taxation of property in this State, and for levying taxes therein, according to its true value in money," passed and took effect May the 1st, 1862.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 915—Mr. Monahan—To authorize the Commissioners of Athens cou nty to pay certain indebtedness.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution, in which the concurrence of the Senate is requested—

H. J. R. No. 117—Committee on Public Works—Authorizing the Board of Public Works to condemn and appropriate certain lands therein described.

Attest: WM. LEONARD, *Clerk.*

Mr. Kent moved that the resolution be referred to the committee on Public Works.

Which was disagreed to.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 32, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes and Williams—32.

So the resolution was adopted.

On motion of Mr. Brown of Ross, the committee on Agriculture was discharged from the further consideration of the message from the Governor announcing the appointment of a commission to investigate the Hog Cholera.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 297—Mr. Bates—To amend section 200 of an act to establish a code of civil procedure, (Swan & Sayler, page 550).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 374—Mr. Hudson—To authorize the Council of the incorporated village of Bellevue to issue bonds for the completion of town hall and fire engine house.

Attest: WM. LEONARD, *Clerk*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has concurred in the passage of—

S. B. No. 302—Mr. Kessler—To amend section one of "An act to protect the elections of volunteer political associations, and punish frauds

therein," as passed April 20, 1874, (Ohio Laws, volume 71, page 104).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 855—Mr. Brunner—To create a Special School District in Richland township, Wyandot county, and to authorize the Board of Education of said township, to transfer certain funds to the Board of Education of said township.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has appointed Messrs. Sellards, Swaim and Tryon as a second committee of conference on matters of difference between the two Houses on—

H. B. No. 46—Mr. Entrekin—To amend section one of an act passed March 27, 1875, (O. L., Vol. 72, p. 85), entitled "An act to fix the rates of toll on turnpikes and plank road companies," passed March 16, 1875, (S. & S., p. 147).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 876—Mr. Hitchcock, from committee on Revision and Codification of the Statutes—To consolidate, revise and amend the statutes relating to jails and the penitentiary, to be known as part two, title three, jails and penitentiary."

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 70—Mr. Rukenbrod—Directing the railroad commissioner to confer with authorities of other States, with a view to the adoption of an improved system of accounts for railroad corporations.

Attest WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 389—Mr. Brown of Ross—Supplementary to an act entitled "An act authorizing the County Commissioners of Ross county to build a county jail, and to issue bonds therefor," passed March 17, 1877.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 804—Mr. Dirr—To amend section one of an act entitled "An act to authorize cities of the first class, having a population of over one hundred and fifty thousand inhabitants, to pay certain claims," passed April 11, 1876, (Ohio Laws, volume 76, page 214).

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 908—Mr. Perkins—To authorize the Council of the incorporated village of Medina, to purchase a fire engine and provide to pay for the same.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 753—Mr. Wales—To authorize railway companies to issue preferred stock.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in the report of the committee of conference on matters of difference between the two Houses on—

S. B. No. 407—Mr. Burns—To amend section 313 of the code of civil procedure, as amended March 23, 1875, (O. L., Vol. 75, p. 77).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has appointed Messrs. Monahan, Oglevee and Bohl as a second committee of conference on matters of difference between the two Houses on—

H. B. No. 664—Mr. McLain—Making appropriations for the fiscal year 1877, and the first quarter of the fiscal year 1878.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 887—Mr. Krimmel—To authorize the Commissioners of Pickaway county, Ohio, to use from the bridge fund of said county any sum not exceeding three thousand dollars for road purposes therein.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 889—Mr. Millikan—To provide for the publication of legal advertisements.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 900—Mr. Sorter--To authorize the Commissioners of Cuyahoga county to levy a tax for a purpose therein named.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

H. B. No. 797—To authorize the Trustees of Darby township, Madison county to transfer certain funds therein mentioned.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Curtiss, Ellis, Haines, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Sheridan, Spangler, Stickney, Stokes, Warnock and Williams—27.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 356—Mr. Andrews—To amend an act entitled an act to amend an act entitled an act amendatory to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, passed April 18, 1856, passed April 14, 1870, passed March 15, 1875, (p. 55, O. L. 1875)—with the following amendments, in which the concurrence of the Senate is requested:

1. Amend as follows: Section 1, line 13, strike out all after the word "publications," to and including the word "same" in line 15.

2d. In line 15, section 1, after the word "slate," insert the words "manufacturing" and "sewer," and in same line strike out the word "or" between the words "roofing" and "flooring" and insert the word "and."

Attest: WM. LEONARD, *Clerk.*

Mr. Andrews moved that the Senate refuse to concur in said amendments, and ask for a committee of conference on the matters of difference on said bill.

On which motion the yeas and nays were taken, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Kent, Kessler, Kleinschmidt, Lewis, Monahan, Owens, Philson, Bansom, Reese, Rukenbrod, Sheridan, Spangler, Stickney, Stokes, Warnock and Williams—27.

So the motion was agreed to.

H. B. No. 774—Supplementary to an act to create a special school district in Mentor township, Lake county, Ohio (O. L., vol. 73 p. 297).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 20, nays 8, as follows:

Those who voted in the affirmative were—

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Kent, Kerr, Knox, Lewis, Miller, Monahan, Owens, Philson, Reese, Sheridan and Swan—20.

Those who voted in the negative were—

Messrs. Ault, Kleinschmidt, Ransom, Rukenbrod, Stickney, Stokes, Warnock and Williams—8.

So the bill passed. The title was agreed to.

H. B. No. 642—To provide for the erection of a bridge over Mill creek at Liberty street, in Hamilton county.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Curtiss, Ellis, Haines, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Miller, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—30.

So the bill passed. The title was agreed to.

H. B. No. 862—To punish offenses on street rail-road cars.

Was read the third time.

Mr. Burns moved that the bill be referred to a select committee of one with instructions to amend as follows:

Insert the following at the end of section 2:

"Sec. 3. This act shall take effect from and after its passage."

Which was agreed to.

Mr. Burns was appointed such select committee.

Mr. Burns, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 862, with instructions to amend, reports the same back amended as instructed.

A. M. Burns.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 24, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Ellis, Haines, Hudson, Kent, Kerr, Lewis, Monahan, Owens, Philson, Rukenbrod, Sheridan, Spangler, Stokes, Swan, Warnock and Williams—24.

Mr. Kessler voted in the negative—1.

So the bill passed. The title was agreed to.

The President appointed Messrs. Andrews, Ellis and Beatty as members of the committee of conference on—

S. B. No. 356—To amend an act entitled an act to amend an act entitled an act amendatory to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, passed April 18, 1856, passed April 14, 1870, passed March 15, 1875 (p. 55, O. L., 1875)—on part of the Senate.

H. B. No. 669—To repeal an act entitled an act to authorize the issuing of floating debt bonds in cities of the first class having a population of less than one hundred thousand, passed April 18, 1874 (O. L., vol. 71, p. 94).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Kent, Kerr, Kessler, Knox, Lewis, Owens, Philson, Ransom, Rukenbrod, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—26.

So the bill passed. The title was agreed to.

Mr. Beatty submitted the following report:

The standing committee on revision has examined and found correctly engrossed H. B. No. 776.

Wm. W. Beatty,
H. V. Kerr.
Jas. W. Owens.

H. B. No. 776—To amend an act entitled an act to amend an act entitled an act to enroll the militia of Ohio, to organize the volunteer militia, aud to repeal certain acts therein named, passed April 2, 1866, and to repeal certain acts therein named, passed April 11, 1876.

Was read the third time.

Mr. Burns moved that the bill be referred to a select committee of one, with instructions to amend as follows:

1st. Section 35, lines 436 and 437, strike out the words "and fifty cents."

2d. Same section, lines 437 and 438, strike out the words "mount the enlisted men of the cavalry or."

Which was agreed to.

Mr. Burns was appointed such select committee.

Mr. Burns, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 776, with instructions to amend, reports the same back amended as instructed.

A. M. Burns.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stickney, Stokes, Swan, Warnock and Williams—28.

So the bill passed. The title was agreed to.

On motion of Mr. Spangler, H. B. No. 98—For the protection of wool growers and confiscation of dogs—was taken from the table.

Mr. Spangler moved that said bill be referred to a select committee of one, with instructions to amend as follows:

In section 3, strike out of line 3 all after the word "him," up to and including the word "list" in line 5.

Section 14, strike out in lines 1 and 2, the words "its passage" and insert "June 1, 1877.

Which was agreed to.

Mr. Spangler was appointed such select committee.

Mr. Spangler, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 98, with instructions to amend, reports the same back amended as instructed.

A. Spangler.

Mr. Burrows moved that the bill be referred to a select committee of one with instructions to amend as follows:

Strike out all of section eight, and insert the following: "That all revenues arising from taxation of dogs, in keeping with the provisions of this act, be paid into the school fund of the county where said tax is levied.

Which was disagreed to.

Mr. Kleinschmidt moved that the bill be referred to a select committee of one with instructions to amend as follows:

Add to section twelve, line nine, the following words: "*Provided*, that this act shall not apply to cities of the first class, having a population of two hundred thousand at the last federal census."

Which was disagreed to.

Mr. Burrows moved that the bill be referred to a select committee of one with instructions to amend as follows:

Strike out section four.

Mr. Monahan moved that the bill, with pending amendment, be laid on the table.

On which motion the yeas and nays were demanded, taken and resulted—yeas 7, nays 18, as follows:

Those who voted in the affirmative were—

Messrs. Burrows, Kleinschmidt, Knox, Monahan, Owens, Rukenbrod and Williams—7.

Those who voted in the negative were—

Messrs. Ault, Beatty, Brown of Lucas, Brown of Ross, Ellis, Haines, Kent, Kerr, Lewis, Philson, Ransom, Schenck, Sheridan, Spangler, Stanton, Stickney and Warnock—18.

So the motion was disagreed to.

The motion to refer was disagreed to.

Mr. Andrews moved that the bill be referred to a select committee of one with instructions to amend as follows: Strike out of section six all after the word "judgment," in line eight.

Which was agreed to.

Mr. Andrews was appointed such select committee.

Mr. Andrews, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 98, with instructions to amend, reports the same back amended as instructed.

GEO. W. ANDREWS.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 20, nays 8, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Curtiss, Ellis, Haines, Kent, Kerr, Kessler, Lewis, Philson, Ransom, Reese, Schenck, Sheridan, Spangler, Swan and Warnock—20.

Those who voted in the negative were—

Messrs. Burress, Burrows, Kleinschmidt, Monahan, Owens, Rukenbrod, Stickney and Williams—8.

The bill passed. The title was agreed to.

Mr. Burns submitted the following report:

To the Senate and House of Representatives:

The undersigned committee of Conference, to which was referred the matters of difference between the two Houses on H. B. No. 607, have considered the same and recommend as follows:

1st. That the Senate concur in House amendment to the twenty-first Senate amendment.

2d. That the first Senate amendment be amended so as to read as follows: "Or engages in, or suffers others in his employ to engage in, any business which, by reason of his office, he is prohibited from doing."

3d. That the House recede from its disagreement to the third Senate amendment.

4th. That the tenth Senate amendment be amended so that section thirty, chapter eight, will read as follows: "Section 30. Whoever kills any wild deer at any time except between the 20th day of September and the 1st day of November, shall be fined not more than fifty, nor less than ten dollars, or imprisoned not more than thirty days, or both," (37 v., 119, sec. 7).

5th. That the Senate recede from its 14th and 15th amendments.

6th. That the House recede from its disagreement to the twenty-second Senate amendment.

A. M. Burns,
James W. Owens,
S. S. Burrows,
Senate Committee.

W. P. Howland,
Elias Nigh,
House Committee.

The question being on concurring in said report, the yeas and nays were taken and resulted—yeas 32, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Swan, Warnock and Williams—32.

So said report was concurred in.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the report of the committee of Conference on matters of difference between the two Houses on—

H. B. No. 607—Mr. Quinby—To amend, revise and consolidate the statutes relating to crimes and offenses, and to repeal certain acts.

Attest: Wm. Leonard, *Clerk.*

Mr. Swan submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 803—To amend section fifty-five of an act entitled "An act of the jurisdiction and procedure before Justices of the Peace, and of the duties of Constables in civil Courts," passed March 14, 1853, (51 v. 179, S. & C., 769)—having had the same under consideration, report it back with the following amendment, and recommend its passage when so amended:

In section one, line seven, between the words "party" and "omit" insert the word "intentionally."

J. H. Bates, C. J. Swan,
W. R. Warnock, James W. Owens.

The amendment was agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Owens submitted the following report:

The standing committee on Judiciary, to whom was referred amended H. B. No. 639—For the better security of head contractors, sub-contractors and material men, and to repeal certain acts therein—having had the same under consideration, report it back with the following amendments, and recommend its passage when so amended:

In section two, line fifteen, strike out line, "beyond the last payment of said contract," and insert: "from and after the date of filing said attested account."

In section four, line fourteen, strike out: "beyond the last payment under said contract" and insert: "from and after the filing of said attested account."

In tenth line of tenth section, strike out "effect" and insert "set off."

J. H. Bates, W. R. Warnock,
Geo. W. Andrews, C. J. Swan,
James W. Owens.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Knox submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 891—For enlarging the gas works to the Asylum for Idiotic Youth—having had the same under consideration, report it back with the following amendments, and recommend its passage when so amended:

1st. Insert as section two the following: "There is hereby appropriated out of any money in the treasury to the credit of the Asylum fund, not otherwise appropriated, for Cleveland Hospital for the Insane, for rebuilding bridge and abutments destroyed by freshet, five hundred dollars."

2d. Renumber the sections consecutively.

Samuel Knox, J. H. Bates,
H. W. Curtiss, R. Stanton,
Jno. H. Hudson, A. R. Haines.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Knox submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 836—To further consolidate land titles in Ohio—having had the same under consideration, report it back and recommend its passage.

Samuel Knox, J. H. Bates,
H. W. Curtiss, R. Stanton,
Jno. H. Hudson, A. R. Haines.

The bill was ordered to be read the third time to-morrow.

Mr. Knox submitted the following report:

The standing committee on Finance to whom was referred H. B. No. 883—For the relief of Hiram W. Donley, treasurer of Turtle Creek township, Warren county, Ohio—having had the same under consideration, report it back without recommendation.

Samuel Knox, R. Stanton,
J. H. Bates, Jno. H. Hudson,
H. W. Curtiss, A. R. Haines.

The bill was ordered to be read the third time to-morrow.

Mr. Stanton submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 654—To amend section nine of an act entitled "An act to amend sections 24, 29, 39, 40, 41, 42, 44 and 45 of an act entitled 'an act for the assessment and taxation of property in this State, and for levying taxes thereon according to its true value in money, as amended April 7, 1863,'" passed and took effect May 8, 1868, having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

1st, After the word "equalization," in line 11, insert the words "of real and personal property, moneys and credits."

2d, Strike out all after the word "Auditor," in line 17.

3d, Add the following: "Section 2. This act shall take effect and be in force from and after its passage."

SAMUEL KNOX, R. STANTON,
A. R. HAINES, J. H. BATES,
ELIAS ELLIS, H. W. CURTISS.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Schenck submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 851—To amend section thirty-four of an act to provide for the creation and regulation of incorporated companies in the State of Ohio, (S. & C. page 295), having had the same under consideration, report it back and recommend its passage.

J. C. SCHENCK, JAS. W. OWENS,
A. M. BURNS, WM. MILLER,
R. E. REESE, H. KESSLER.

The bill was ordered to be read the third time to-morrow.

Mr. Schenck submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 909—To amend section two of an act entitled "An act regarding the maintenance and repair of streets, alleys, etc., in cities of the first-class, having a population of more than ninety thousand and less than one hundred and fifty thousand inhabitants at the last federal census, passed April —, 1877, and to repeal said original section, having had the same under consideration, report it back and recommend its passage.

J. C. SCHENCK, JAMES W. OWENS,
WM. MILLER, H. KESSLER,
A. M. BURNS.

The bill was ordered to be read the third time to-morrow.

Mr. Brown of Lucas submitted the following report:

The standing committee on Municipal Corporations, to whom was referred S. B. No. 421—To authorize the city council of the city of South Toledo to issue bonds and borrow money for completing a certain road therein named, having had the same under consideration, report it back and recommend its passage.

A. M. BURNS, T. P. BROWN,
H. KESSLER, J. C. SCHENCK.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Brown of Lucas submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 866—To limit taxation in certain counties in this State, having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

In section 1, line 9, strike out the word "not."

JAMES W. OWENS, A. M. BURNS,
T. P. BROWN, H. KESSLER,
R. E. REESE.

The amendment was agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Schenck submitted the following report:

The standing committee on Municipal Corporations, to whom was referred S. B. No. 838—To authorize the trustees of Brecksville township, Cuyahoga county, to levy a tax for certain purposes mentioned therein, having had the same under consideration, report it back and recommend its passage.

J. C. Schenck, A. M. Burns,
James W. Owens, Wm. Miller,
R. E. Reese, H. Kessler.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Brown of Lucas submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 827—To authorize the village council of Clarksville, Clinton county, Ohio, to levy a tax for the relief of G. W. Garrison and Ezekiel Cast, having had the same under consideration, report it back and recommend its passage.

A. M. Burns, T. P. Brown,
H. Kessler, James W. Owens.

The bill was ordered to be read the third time to-morrow.

Mr. Brown of Lucas submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 808—To amend section fifty-one of the act passed May 7, 1869, entitled "An act to provide for the organization and government of municipal corporations," (66 v. 149); section 491 of the same act, as amended April 18, 1870, (67 v. 78); and section 493 of the said original act, having had the same under consideration, report it back and recommend its passage.

A. M. Burns, T. P. Brown,
H. Kessler, James. W. Owens.

The bill was ordered to be read the third time to-morrow.

Mr. Brown of Lucas submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 645—To amend section 554 of an act to provide for the organization and government of municipal corporations, passed May 7, 1869, (O. L., vol. 66, p. 149), having had the same under consideration, report it back, with the following amendments, and recommend its passage when so amended:

In line 10, after the word county, strike out the word "to."

Same line, after the word "Auditor," strike out the word "said Auditor."

Strike out all of line 11 and line 12, to and including the word "penalty."

At end of line 13, add the following: "And the treasurer is authorized and required to receive any portion of any tax or assessment assessed as may be tendered, and give his receipt for such amount so paid.

A. M. Burns, T. P. Brown,
R. E. Reese, James W. Owens.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Brown of Lucas submitted the following report:

The standing committee on Municipal Corporations to whom was referred H. B. No. 805—Supplementary to an act entitled "An act to provide for the organization and government of municipal corporations, authorizing certain cities therein named to construct certain improvements therein named, and to issue bonds for the payment of the same —having had the same under consideration, report it back and recommend its passage.

A. M. Burns, H. Kessler,
J. C. Schenck, T. P. Brown.

The bill was ordered to be read the third time to-morrow.

Mr. Brown of Lucas submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 410—To amend section 414 of chapter 30, of an act to provide for the organization and government of municipal corporations, passed May 7, 1869, (O. L., vol. 66, p. 149)—having had the same under consideration, report it back with the following amendment, and recommend its passage when so amended:

At end of line 11, sec. 414 add the following, "Provided, however that this act shall not apply to cities of the first-class."

A. M. Burns, R. E. Reese,
T. P. Brown, Jas. W. Owens.

The amendment was agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Brown of Lucas, submitted the following report:

The standing committee on Insurance to whom was referred H. B. No. 304—For the better protection of policy holders in life insurance companies—having had the same under consideration, report it back with the following amendments, and recommend its passage when so amended:

In section 1, lines 7 and 8, strike out the word "paper;" same section line 11, strike out all after the word "the," to and including the word "policy," in line 13, and in place thereof, insert the words "solidity of the same;" same section, line 14, after the word "of," insert the words "any officer of;" same section, line 20, strike out the word "papers;" same line, between the words "application" and "friends" insert the word "or;" in same section, line 21, strike out the words "or medical."

Section 3, line 1, strike out the words "the taking effect of this act," and insert "July 1, 1877;" same section lines 4 and 5, strike out words "paper" and "medical certificate;" same section, line 6, strike out the words "force or."

Strike out all of section 5, of the bill.

T. P. Brown, J. C. Schenck,
A. M. Burns, H. Kessler.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Burress submitted the following report:

The standing committee on Railroads and Telegraphs, to whom was referred H. B. No. 819—Supplementary to an act entitled "An act to provide for and regulate street railroad companies," passed April 10,

1861, (S. & S., p. 134)—having had the same under consideration, report it back, and recommend its passage.

J. H. Bates, John Ault,
E. T. Stickney, T. P. Brown,
M. Kent, N. P. Burress.

The bill was ordered to be read the third time to-morrow.

Mr. Spangler submitted the following report:

The standing committee on Roads and Highways, to whom was referred H. B. No. 446—To empower trustees of townships to purchase stone or gravel necessary for the improvement of public highways—having had the same under consideration, report it back and recommend its passage.

A. Spangler, A. R. Haines,
A. L. Brown, J. B. Williams.

The bill was ordered to be read the third time to-morrow.

Mr. Bates submitted the following report:

The standing committee on Railroads and Telegraphs, to whom was referred H. B. No. 802—To secure greater safety for public travel over bridges—having had the same under consideration, report it back with following amendments, and without recommendation.

In section 12, lines 10 and 11, strike out "and make such alterations as may be necessary if it be faulty in design or scanty in materials."

In line 12, before "such" insert "every;" in line 13, before the word "bridge" insert "rail road."

In line 18, after word "strong" insert "if such strain sheet and drawings show such proposed structure to be faulty in design, or scanty in materials, according to the standard prescribed in this act, said expert shall point out and certify his objections thereto and return the same."

R. Stanton, E. T. Stickney,
J. H. Bates, N. P. Burress.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Ransom submitted the following report:

The standing committee on Common Schools, to whom was referred H. B. No. 839—To authorize the board of education of the incorporated village of Williamsport, Pickaway county, Ohio, and territory annexed for school purposes to levy a tax to pay certain indebtedness—having had the same under consideration, report it back and recommend its passage.

E. P. Ransom, Wm. Sheridan, Jr.,
E. T. Stickney, James W. Owens,
S. S. Burrows, Samuel Knox,
W. R. Warnock.

The bill was ordered to be read the third time to-morrow.

Mr. Stickney submitted the following report

The standing committee on Common Schools to whom was referred H. B. No. 911—To repeal an act entitled "An act to create a special school district in school districts numbers 6 and 7, in Norwich township, Franklin county, Ohio, and school districts numbers 4 and 5 in Brown township, in said county, and school district number 2, in Prairie township, in said county," passed April 21, 1877—having had

the same under consid-eration, report it back and recommend its passage.

E. T. Stickney, E. P. Ransom,
Samuel Knox, S. S. Burrows,
Wm. Sheridan, Jr.

The bill was ordered to be read the third time to-morrow.

Mr. Burrows submitted the following report:

The committee on Common Schools, to whom was referred H. B. No. 820—To provide for the purchase of books for the use of common schools—having had the same under consideration, report it back without recommendation.

E. P. Ransom, W. R. Warnock,
E. T. Stickney, Wm. Sheridan, Jr.,
S. S. Burrows, Samuel Knox,
Jas. W. Owens.

Mr. Ransom submitted the following report:

The committee on Common Schools, to whom was referred S. B. No. 397—To authorize the creation of a special school district in East Cleveland township, Cuyahoga county, Ohio—having had the same under consideration, report it back, with the following amendment, and recommend its passage when so amended:

Section 3, line 3, strike out the word "April" and insert the word "July."

Edward P. Ransom, Wm. Sheridan, Jr.,
E. T. Stickney, James W. Owens,
W. R. Warnock, Samuel Knox,
S. S. Burrows.

The amendment was agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Brown of Ross submitted the following report:

The standing committee on Agriculture, to whom was referred H. B. No. 714—Supplementary to an act to more effectually provide for locating, establishing and constructing ditches, drains and water courses in townships, and to repeal certain acts therein named," passed April 18, 1874, (O. L., vol. 71, p. 124)—having had the same under consideration, report it back and recommend its passage.

A. L. Brown, A. R. Haines,
A. Spangler, E. T. Stickney,
A. M. Burns.

The bill was ordered to be read the third time to-morrow.

Mr. Kessler submitted the following report:

The standing committee on Municipal Corporations to whom was referred H. B. No. 896—To authorize the council of the incorporated village of Marysville, Union county, Ohio, to levy a tax to build a town hall—having had the same under consideration, report it back and recommend its passage.

A. M. Burns, J. C. Schenck,
T. P. Brown, H. Kessler.

The bill was ordered to be read the third time to-morrow.

Mr. Burrows submitted the following report:

The standing committee on Common Schools to whom was referred H. B. No. 85—To create a joint sub-district for school purposes in the township of Thorn, Perry county, and Walnut township, Fairfield county, having had the same under consideration, report it back, and recommend its passage.

S. S. Burrows, Samuel Knox,
James W. Owens, W. R. Warnock,
E. P. Ransom.

The bill was ordered to be read the third time to-morrow.

Mr. Rukenbrod submitted the following report:

The standing committee on Public Printing to whom was referred S. R. No. 55 –Relative to the delay in printing laws of 1876, having had same under consideration, report that upon investigation they found the delay in printing the volume of laws for 1876, was caused by a strict compliance with the requirements of joint resolution relative to an index to the Ohio laws, adopted April 8, 1876, instructing the Commissioners to revise and consolidate the Statutes, to cause the index to volume 73 of the laws to be incorporated into the index prepared under their direction, so that the same shall be a complete index to the laws in force from volume 66 to volume 73 inclusive; that they also incorporate therein a list of the sections in Swan & Critchfield's and Swan & Sayler's Statutes, and the subsequent volumes that have been repealed, and that they deliver said index to the Secretary of State who is hereby directed to insert the same in said volume 73.

The labor imposed by the above resolution in preparing this index was very great, and of such a nature that but one clerk could conveniently work upon it. The laws and index were printed and delivered to the Supervisor of State Printing and Binding on the 18th of October. All the available force of the bindery was put immediately upon the work, and some of the books were shipped to the various counties as early as the 25th of the same month, and all distributed according to law by the 15th of November.

J. K. Rukenbrod, W. W. Beatty,
C. J. Swan, Samuel Knox,
Wm. Miller, N. P. Burress.

Mr. Rukenbrod submitted the following report:

The standing committee on Public Printing to whom was referred S. R. No. 87—Instructing the committee to inquire into the delay in printing public documents, having had the same under consideration report, that they have examined into the causes for the delay in printing State documents, as instructed. Messrs. Nevins & Myers appeared before the committee and stated the cause, in part, to have been the great amount of extra work required by the Codifying Commission, and the publication of the testimony in the Cox-Harmon contest case. They also stated they worked their office to its utmost capacity in room, material and hands.

Your committee are of the opinion that the laws regulating State printing, in all its various branches and departments, the letting of contracts for the same, providing for the number and distribution of public documents, Legislative journals and institution and other official reports, should be carefully and judiciously revised at the earliest day possible,

in which re-enactment the State should reserve the power and privilege to order printing done outside of contracts made, on such terms as shall be equitable, and without additional cost to the State, where delay on part of the contractor or contractors to furnish printing ordered by the Legislature or required by law, shall retard the business of the General Assembly, or prove detrimental to the public interest.

W. W. BEATTY, J. K. RUKENRROD,
C. J. SWAN, WM. MILLER,
H. V. KERR.

Mr. Swan submitted the following report:

The standing committee on Printing to whom was referred S. J. R. No. 60—Providing for the printing of additional copies of the History of Education in Ohio, having had the same under consideration, report it back with the following substitute and recommend its adoption:

Resolved by the General Assembly of the State of Ohio, That the Supervisor of Public printing be and he is hereby authorized and directed to have printed five thousand copies of the Centennial History entitled "Education in Ohio," the same to be printed on paper, with ink and in type, and in all other materials similar to that found in the copies heretofore printed, and the same to be bound in muslin, and properly lettered on the back.

Resolved, further, That when printed and bound, said copies shall be distributed as follows:

Two thousand copies shall be left in the office of the State Commissioner of schools for general distribution; twenty copies shall be given to each member of the 62d General Assembly to be distributed by him as he may deem most conducive to the public interest.

Resolved, further, That the State Commissioner of schools be and he is hereby authorized and directed to procure the proper proof reading of said "Education in Ohio."

C. J. SWAN, H. V. KERR,
J. K. RUKENBROD, WM. W. BEATTY.

The amendment was agreed to.

The further consideration of said resolution was postponed until to-morrow.

Mr. Owens submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 810—Relating to dower and the mode of fixing the value in money of dower estates, having had the same under consideration, report it back and recommend its passage.

J. H. BATES, JAS. W. OWENS,
A. M. BURNS, GEO. W. ANDREWS,
N. P. BURRESS, C. J. SWAN.

The bill was ordered to be read the third time to-morrow.

Mr. Schenck submitted the following report:

The select committee of two to whom was referred H. B. No. 897—Supplementary to the act entitled "An act relating to Juries," passed April 26, 1873; also, an act entitled an act to amend section 2 of the act entitled an act relating to juries, passed April 26, 1873, passed March 9, 1876, also, the act entitled an act to regulate the fees of Probate Judges, Clerks of the courts, Sheriffs, witnesses, jurors' fees in partitions, and to repeal certain acts therein named," passed April 8, 1876, and to

repeal the same, so far as the same may be applicable to the provisions of this act, having had the same under consideration, report it back and recommend its passage.

J. C. SCHENCK.
H. W. CURTISS.

The bill was ordered to be read the third time to-morrow.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No.—670—Mr. Huberich—To facilitate the administration of justice in Lucas county, Ohio.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

On motion of Mr. Andrews, H. B. No. 588—To provide for the incorporation of Farm Laborers' Association, was taken from the table and made the special order for 10½ o'clock A. M. to-morrow.

Mr. Johnston moved that the vote whereby S. B. No. 329—Authorizing district courts to order abstracts of legal notices and advertisements to be published, in counties constituting for itself a judicial district, was passed, be reconsidered.

On motion of Mr. Kessler the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

WEDNESDAY, MAY 2, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

Mr. Monahan, on leave, offered the following resolution:

S. R. No. 107—*Resolved by the Senate of the State of Ohio*, That the President of the Senate be directed to issue his warrant on the Treasurer of the State for the balance due Abner Haines, deceased, allowing him full pay per diem to the close of the session, in favor of Mrs. Abner Haines, widow of the deceased.

Referred to the committee on Finance.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled, the following bills:

H. B. No. 855—To create a special school district in Richland township, Wyandot county, and to authorize the Board of Education of said township to transfer certain funds to the Board of Education of said special district.

H. B. No. 841—To authorize the city of Mount Vernon, Ohio, to levy a special tax to purchase machinery.

S. B. No. 280—To amend section four of an act entitled an act to provide for the partition of real estate.

S. B. No. 418—To authorize the transfer of certain funds now in the treasury of the city of Fremont, county of Sandusky, and State of Ohio.

S. B. No. 346—To amend section 70 of the code of civil procedure.

C. J. SWAN, H. V. KERR,
T. P. BROWN, E. L. LYBARGER,
E. C. LEWIS, THOS. S. LUCCOCK.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives requests the return of—

H. J. R. No. 119—Mr. Monahan—Providing for a *sine die* adjournment.

Attest: WM. LEONARD, *Clerk.*

On motion of Mr. Knox, the committee of Finance was discharged from the further consideration of said resolution.

The request of the House of Representatives was acceded to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives accedes to the request of the Senate for a committee of conference on the matters of difference between the two Houses on—

S. B. No. 356—Mr. Andrews—To amend an act entitled an act to amend an act entitled an act amendatory to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, passed April 18, 1856, passed April 14, 1870, passed March 15, 1875 (p. 55, O. L., 1875).

The Speaker has appointed Messrs. Dow, Zumstein and Cogsill on the part of the House.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 918—Mr. Sheets—To authorize the town council of the incorporated village of Findlay, Hancock county, Ohio, to purchase a steam fire engine and to issue bonds to pay for the same.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

Mr. Swan moved that the constitutional rule requiring bills to be read on three different days be dispensed with and said bill be read the second time.

On which motion the yeas and nays were taken and resulted, yeas 25, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Knox. Lewis, Miller, 44—S. J.

Owens, Philson, Rukenbrod, Spangler, Stickney, Stokes, Swan, Warnock and Williams—25.

Mr. Monahan voted in the negative—1.

So the motion was disagreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 282—Mr. Andrews—To amend section 1 of an act entitled an act providing for the election of County Auditors, and prescribing their duties, passed April 18, 1870.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 238—Mr. Bates—To create a Board of Trustees of the sinking fund in cities of the first class having a population of 180,000 or over.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

S. B. No. 280—Mr. Swan—To amend section 4 of an act entitled an act to provide for the partition of real estate, passed February 17, 1831, and took effect June 1, 1831 (S. & C., p. 896).

S. B. No. 346—Mr. Swan—To amend section 70 of an act entitled an act to establish a code of civil procedure, passed March 11, 1853, as amended April 3, 1862 (S. & S., stat. 543), as amended February 11, 1874 (O. L., vol. 71, p. 4).

S. B. No. 418—Mr. Andrews—To authorize the transfer of certain funds therein named, now in the treasury of the city of Fremont, county of Sandusky, and State of Ohio.

H. B. No. 855—Mr. Brunner—To create a special school district in Richland township, Wyandot county, and to authorize the Board of Education of said township to transfer certain funds to the Board of Education of said special school district.

H. B. No. 841—Mr. Hart—To authorize the city of Mount Vernon to levy a special tax to purchase machinery.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 68—Mr. Johnston—Providing for the printing and distribution of the sixth (fifth) volume of the final report of the Geological corps of Ohio.

With the following amendment, in which the concurrence of the Senate is requested.

In line 2, strike out the word "sixth" and insert the word "fifth" in lieu thereof.

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendment, the yeas and nays were taken, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Reese, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—29.

So the amendment was concurred in.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 859—Mr. Wiltsee—To amend an act to amend an act entitled "An act further to provide for the government of Longview asylum, and amendatory and supplementary to the act entitled "An act to constitute the county of Hamilton a separate district for lunatic asylum purposes, and to provide for the erection and government of an asylum therein,'" passed April 16, 1867, (Volume 64, page 246).

H. B. No. 512—Mr. Sellards—To secure to laborers their wages.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in the passage of—

S. B. No. 357—Mr. Swan—To amend section two of an act entitled "An act to provide for the creation and regulation of incorporated companies, in the State of Ohio," passed May 1, 1852, (Swan & Critchfield, volume 1, page 271), as amended February 14, 1872, (Volume 69, page 14).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

Tne House of Representatives requests the return of—

S. B. No. 357—Mr. Swan—To amend section 2 of an act entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, (Swan & Critchfield, Volume 1, page 271), as amended February 14, 1872, (Volume 69, page 14).

Attest: WM. LEONARD, *Clerk.*

The request of the House of Representatives was acceded to.
A message was sent to said body returning said bill.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 890—Mr. Garwood—To authorize the council of the incorporated village of Marysville, Union county, Ohio, to purchase or condemn grounds for a cemetry and to levy a tax, issue bonds and borrow money to pay therefor.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 258—Mr. Watson—To provide a warehouse, create the office of "Inspector of leaf tobacco," and regulate the inspection of tobacco.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 758—Mr. Eylar—To amend section 1 of an act to authorize county commissioners to locate and construct turnpike roads, passed April 30, 1869, (Ohio Laws, volume 66, page 62).

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

Mr. Brown of Lucas presented the petition of the bar of Lucas county for the creation of a separate sub-division of the Fourth Judicial District.

Which was referred to the committee on Judiciary.

Bills were read the second time and referred as follows:

H. B. No. 905—Appropriating money to pay for transcribing certain muster rolls of the Ohio volunteers into permanent record books, and for obtaining information in regard to Union soldiers' graves and providing for suitable head stones.

To the committee on Finance.

H. B. No. 765—To repeal section six of an act entitled an act supplementary to an act entitled "An act for the assessment and taxation of property in this State, and for levying taxes therein, according to its true value in money," passed and took effect May the 1st, 1862.

To the committee on Finance.

H. B. No. 915—To authorize the commissioners of Athens county to pay certain indebtedness.

To the committee on Finance.

H. B. No. 804—To amend section 1 of an act entitled "An act to authorize cities of the first class having a population of over one hundred and fifty thousand inhabitants, to pay certain claims," passed April 11, 1876, (Ohio Laws, volume 76, page 214).

To a select committee of four—Senators from Hamilton county.

H. B. No. 908—To authorize the council of the incorporated village of Medina, to purchase a fire engine and provide to pay for the same.

To the Committee on Municipal Corporations.

H. B. No. 753—To authorize railway companies to issue preferred stock.

To the committee on Railroads and Telegraphs.

H. B. No. 887—To authorize the commissioners of Pickaway county, Ohio, to use from the bridge fund of said county any sum not exceeding three thousand dollars for road purposes therein.

To the committee on Finance.

H. B. No. 900—To authorize the commissioners of Cuyahoga county to levy a tax for a purpose therein named.

To the committee on Finance.

H. B. No. 889—To provide for the publication of legal advertisements.

To the committee on Public Printing.

H. B. No. 670—To facilitate the administration of justice in Lucas county, Ohio.

To the committee on Judiciary.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed S. Bs. No.'s 421, 397 and H. Bs. No.'s 410, 654, 866, 639, 645, 891, 803, 304 and 802.

JAS. W. OWENS,
WM. W. BEATTY,
H. V. KERR.

Mr. Andrews submitted the following report:

The committee of conference to whom was referred the subject matter of difference between the two Houses upon House amendment to S. B. No. 356, have had the same under consideration, and recommend that there be inserted in the re-engrossed bill, after the word "State" in line 15, section 1, the following: "Purchasing and issuing patent rights, with the right to issue license for the same."

GEO. W. ANDREWS,
WM. W. BEATTY,
ELIAS ELLIS,
Senate Committee.

D. DOW,
H. L. COGSIL,
JOHN ZUMSTEIN,
House Committee.

The question being on concurring in said report, the yeas and nays were taken and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Lewis, Miller, Owens, Philson, Reese, Rukenbrod, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—27.

So the report was concurred in.

H. B. No. 459—To authorize the commissioners of the several counties in this State, through which the Western Reserve and Maumee road passes, to take under their care and control so much of said road as lies within the limits of such counties respectively.

Was read the third time.

Mr. Hudson moved that the bill be referred to a select committee of one, with instructions to amend as follows:

At the end of section 1 add the following: "And further provided that nothing herein shall interfere with the construction of the bridge at the city of Fremont, in accordance with the act of the General Assembly, passed February 27, 1877."

Which was agreed to.

Mr. Hudson was appointed such select committee.

Mr. Hudson, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 459, with instructions to amend, reports the same back amended as instructed.

JNO. H. HUDSON.

Mr. Hudson moved that the bill be referred to a select committee of one, with instructions to amend as follows:

At the end of section 3 add the following: "Provided that the question shall first be submitted to a vote of the qualified voters at some general election in the counties in which said road is situated, and if a majority of said voters vote in favor thereof, then this bill shall take effect, and not otherwise."

Strike out section 4.

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 18, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Miller, Owens, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton and Warnock—18.

Those who voted in the negative were—

Messrs. Andrews, Ault, Brown of Lucas, Ellis, Haines, Hudson, Kerr, Lewis, Reese, Sheridan, Stickney, Stokes, Swan and Williams—14.

So the bill was lost.

On motion of Mr. Knox, the vote whereby said bill was lost was reconsidered.

Mr. Brown of Lucas moved that said bill be laid on the table.

On which motion the yeas and nays were demanded, taken, and resulted, yeas 19, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Lucas, Burress, Ellis, Haines, Hudson, Kerr, Knox, Lewis, Monahan, Owens, Reese, Sheridan, Stanton, Stickney, Stokes, Swan and Williams—19.

Those who voted in the negative were—

Messrs. Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kess-

ler, Kleinschmidt, Miller, Philson, Ransom, Rukenbrod, Schenck, Spangler and Warnock—15.

So the bill was laid on the table.

Mr. Stanton submitted the following report:

The committee of conference appointed to consider the matters of difference between the two Houses on H. B. No. 664—Making appropriations for the fiscal year 1877 and the first quarter of the fiscal year 1878, recommend as follows:

1. That the Senate recede from its amendments Nos. 3, 12, 21, 23, 30 and 31.

2. That the Senate amendment No. 25 be amended so as to read as follows: "That the treasury of Ashtabula county be reimbursed in the sum of $600 in the next semi-annual settlement with the Auditor of State for expenses incurred in taking in short-hand, and reporting the testimony of the Ashtabula disaster, which testimony was used by the committee appointed by the General Assembly to investigate that subject; and the Commissioners of Ashtabula county are hereby authorized to pay out of that sum such an amount to the jurors of the Coroner's inquest of said county for extraordinary services in said investigation as they may deem just.

3. That the House concur in Senate amendments Nos. 5, 17, 24 and 32.

4. That Senate amendment No. 6 be amended so as to read as follows: "Three thousand dollars to complete the removal of obstructions in what is known as the 'Providence Slack-water' on the Miami and Erie canal; provided that no part of said appropriation shall be paid out until the Board of Public Works shall have entered into a contract, secured by bond, with responsible parties to fully and entirely complete said work, for a price not to exceed the amount of this appropriation."

5. That Senate amendment No. 4 be amended so as to read as follows: "For extra clerk hire, $500."

6. That the Senate concur in the House amendment to Senate amendment No. 8.

7. That the Senate amendment No. 10 be amended so as to read as follows: "For reimbursement of Commissioner of Common Schools for extra expenses incurred in preparing for school exhibit at the Centennial Exhibition $600, to be paid from the Centennial Managers' fund."

8. That Senate amendment No. 34 be amended so as to read as follows: "Provided that the contract under which said boys are supported shall terminate on February 1, 1878, and the Probate Judge of Lucas county shall transfer such boys at the expense of the State to the Reform Farm near Lancaster, at such times and in such detachments as the Attorney General shall direct, after the said 1st day of February, 1878."

9. That the Senate amendment No. 7 be amended so as to read as follows: "That there be and hereby is appropriated the sum of $10,000 for the purpose of removing obstructions and improving the Miami River between the Lewistown Reservoir and the town of Quincy, in Logan county, said work to be done under the supervision of the Board of Public Works, who are required to make a report of their proceedings under this appropriation in their next annual report.

That there be and hereby is appropriated the sum of $5,000 for the purpose of compensating owners of lands adjacent to the Lewistown Reservoir for damages done by the flooding of said lands with backwater and destruction of drainage by reason of the construction and mainte-

nance of said reservoir, and the Board of Public Works is hereby authorized to settle with the owners of said lands and obtain easements therefor."

10. That Senate amendment No. 22 be amended so as to read as follows: "For covering the diagonal walks on the east half of the State House grounds with asphalt, $2,000.

R. Stanton,
J. C. Schenck,
N. P. Burress,
Senate Committee.

A. B. Monahan,
John F. Oglevee,
Henry Bohl,
House Committee.

The question being on concurring in said report, the yeas and nays were taken and resulted—yeas, 24, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—24.

Those who voted in the negative were—

Messrs. Andrews, Ault, Haines, Hudson, Monahan, Owens, Reese, Sheridan and Williams—9.

So the report was concurred in.

S. B. No. 397—To authorize the creation of a special school district in East Cleveland township, Cuyahoga county, Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kessler, Kleinschmidt, Knox, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—30.

So the bill passed. The title was agreed to.

Mr. Monahan moved that the Senate take a recess.

Which was disagreed to.

S. B. No. 421—To authorize the City Council of the city of South Toledo to issue bonds and borrow money for completing a certain road therein named.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kleinschmidt, Knox, Lewis, Owens, Philson, Reese, Rukenbrod, Schenck, Spangler, Stickney, Stokes, Swan, Warnock and Williams—28.

So the bill passed. The title was agreed to.

Mr. Johnston moved that the rules be suspended, and H. B. No. 778 be taken from the table.

On which motion the yeas and nays were demanded, taken and resulted—yeas 19, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Ellis, Hudson, Johnston, Kent, Kessler, Lewis, Philson, Reese, Sheridan, Swan and Williams—19.

Those who voted in the negative were—

Messrs. Ault, Curtiss, Haines, Knox, Monahan, Rukenbrod, Schenck, Spangler and Stokes—9.

So the motion was disagreed to.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills:

H. B. No. 812—Creating a Special School District in Sandusky township, Richland county, Ohio.

H. B. No. 790—Supplementary to an act entitled "An act to authorize the County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named," passed March 29, 1867, and the acts amendatory thereof.

H. B. No. 668—To amend an act entitled an act to authorize the Common Councils of certain cities of the first class to issue Water Works bonds, passed April 11, 1876, (O. L., vol. 73, p. 217).

H. B. No. 791—For the relief of Joseph Barrington.

H. B. No. 772—To authorize the Trustees of Middleburgh township, Cuyahoga county, to levy a tax for certain purposes mentioned therein.

H. B. No. 830—To amend section one of an act to amend sections one and four of an act entitled "An act to provide for the repair of free turnpike roads in certain counties, and to authorize the County Commissioners of any county in this State to constitute a Board of Directors to regulate the hauling of heavy burdens on any free turnpike or improved road," passed and took effect April 20, 1874, passed March 17, 1875, (O. L., vol. 72, p. 59), passed April 3, 1876, (O. L., vol. 73, p. 151).

H. B. No. 673—To provide for the collection of delinquent personal taxes.

H. B. No. 275—For the relief of Albert A. Selkirk, treasurer of Plain township, Wood county, Ohio.

E. L. Lybarger, Asa Toberen,
Thos. S. Luccock, C. J. Swan,
T. P. Brown.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 812—Mr. Barnett—Creating a Special School District in Sandusky township, Richland county, Ohio.

H. B. No. 790—Mr. Flaugher—Supplementary to an act entitled "An act to authorize the County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of

said road, and to repeal an act therein named," passed March 29, 1867, and the acts amendatory thereof.

H. B. No. 668—Mr. Huberich—To amend an act entitled an act to authorize the Common Councils of certain cities of the first class to issue Water Works bonds, passed April 11, 1876, (O. L., vol. 73, p. 217).

H. B. No. 830—Mr. Oglevee—To amend section one of an act to amend sections one and four of an act entitled "An act to provide for the repair of free turnpike roads in certain counties, and to authorize the County Commissioners of any county in this State to constitute a Board of Directors to regulate the hauling of heavy burdens on any free turnpike or improved road," passed and took effect April 20, 1874, passed March 17, 1875, (O. L., vol. 72, p. 59), passed April 3, 1876, (O. L., vol. 73. p. 151).

H. B. No. 772—Mr. Breck—To authorize the trustees of Middleburgh township, Cuyahoga county, to levy a tax for certain purposes mentioned therein.

H. B. No. 275—Mr. Sage—For the relief of Albert A. Selkirk, treasurer of Plain township, Wood county, Ohio.

H. B. No. 673—Mr. Raudabaugh—To provide for the collection of delinquent personal taxes.

H. B. No. 791—Mr. Hart—For the relief of Joseph Barrington.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills.

On motion of Mr. Burrows, the Senate took a recess.

THREE O'CLOCK, P. M.

Mr. Knox, on leave, offered the following resolution:

S. J. R. No. 71—*Resolved by the General Assembly of the State of Ohio*, That the General Assembly adjourn *sine die* on Monday, May 7, 1877, at nine o'clock A. M.

Mr. Stanton moved to amend the resolution by striking out "nine" and inserting "eight and one-half."

Mr. Burns moved to amend said amendment by striking out "eight and one-half" and inserting "twelve M."

Which was disagreed to.

The amendment (Stanton's) was agreed to.

Mr. Johnston moved to amend the resolution as follows:

Strike out "Monday, May 7," and insert "Friday, May 4."

Which was disagreed to.

The question being on the adoption of said resolution, the yeas and nays were taken and resulted—yeas 32, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Philson, Reese, Ruken-Warnock and Williams—32.

So the resolution was adopted.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 98—Mr. Barrett—For the better protection of wool growers, and the confiscation of dogs.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 700—Mr. Neal—To allow certain cities of the second class to purchase or erect gas works.

H. B. No. 813—Mr. Krimmel—To authorize the Board of Public Works to enlarge a culvert under the Ohio canal, known as Williams' culvert, on the Millport level, in Pickaway county.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in the passage of—

S. B. No. 337—Mr. Swan—To amend section fifty-one of an act entitled "An act to provide for the settlement of the estates of deceased persons," passed March 23, 1840, and took effect November 1, 1840, (Swan & Critchfield, 575).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has inefinitely postponed—

S. B. No. 414—Mr. Andrews—To anex territory to the Bluffton Union School district in Allen county, Ohio.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 571—Mr. Burckhardt—To amend section 8 of an act entitled an act to provide for the proof, acknowledgment and recording of deeds and other instruments of writing, passed February 22, 1831, (S. & C., p. 467).

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 776—Mr. Ullery—To amend an act entitled "An act to amend an act entitled 'an act to enroll the Militia of Ohio, to organize the volunteer militia, and to repeal certain acts therein named,' passed April 2, 1866, and to repeal certain acts therein named," passed April 11, 1876.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in the passage of—

S. B. No. 251—Mr. Owens—To punish the practice of resorting to distant courts to oppress citizens of Ohio and deprive them of their rights under the statutes of Ohio.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 869—Mr. Blake—To authorize the trustees of Garrettsville township, Portage county, Ohio, to levy a tax for certain purposes therein named.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

H. B. No. 803—To amend seection 55 of an act entitled an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853, (51 vol. 179, S. & C. p. 769).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were aken and resulted—yeas 10, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Brown of Lucas, Burrows, Johnston, Kessler, Owens, Rukenbrod, Stickney, Swan and Warnock—10.

Those who voted in the negative were—

Messrs. Andrews, Beatty, Burns, Burress, Curtiss, Haines, Kleinschmidt, Lewis, Monahan, Ransom, Reese, Schenck, Sheridan, Spangler and Williams—15.

So the bill was lost.

Mr. Burrows moved that said vote be reconsidered.

Which was disagreed to.

H. B. No. 639—For the better security of head contractors, sub-contractors, and material men, and to repeal certain acts therein named.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 22, nays 4, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt,

Lewis, Owens, Ransom, Schenck, Spangler, Stokes, Swan, Warnock and Williams—22.

Those who voted in the negative were—

Messrs. Burns, Monahan, Rukenbrod and Stickney—4.

So the bill passed. The title was agreed to.

H. B. No. 891—For enlarging the gas works at the asylum for idiotic youth.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines, Hudson, Johnston, Kerr, Kessler, Kleinschmidt, Lewis, Owens, Ransom, Rukenbrod, Schenck, Spangler, Stickney, Stokes, Swan, Warnock and Williams—28.

So the bill passed. The title was agreed to, after being amended as follows:

At end of title add, "and for rebuilding bridge at Cleveland Hospital for the Insane."

H. B. No. 806—To further consolidate land titles in Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Owens, Ransom, Reese, Spangler, Stickney, Stokes, Swan, Warnock and Williams—28.

So the bill passed. The title was agreed to.

H. B. No. 883—For the relief of Hiram W. Donley, treasurer of Turtle Creek township, Warren county, Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Burress, Curtiss, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Knox, Lewis, Monahan, Reese, Spangler, Stickney, Stokes, Swan and Williams—21.

So the bill passed. The title was agreed to.

Mr. Andrews moved that the Senate proceed in the consideration of H. B. No. 588—To provide for the incorporation of farm laborers' association, the special order for 10½ o'clock a. m. to-day.

Which was agreed to.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Burress, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Monahan, Owens, Ransom, Reese, Spangler, Stickney, Stokes, Swan, Warnock and Williams—22.

So the bill passed. The title was agreed to.

H. B. No. 654—To amend section 9 of an act entitled an act to amend sections 24, 29, 39, 40, 41, 42, 44 and 45 of an act entitled an act for the assessment and taxation of property in this State and for levying taxes.

thereon according to its true value in money, as amended April 7, 1863, passed and took effect May 8, 1868.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 22, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Burns, Burress, Curtiss, Ellis, Haines, Johnston, Kent, Kessler, Kleinschmidt, Knox, Monahan, Reese, Rukenbrod, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—22.

Those who voted in the negative were—

Messrs. Hudson and Ransom—2.

So the bill passed. The title was agreed to.

H. B. No. 851—To amend section thirty-four of an act to provide for the creation and regulation of incorporated companies in the State of Ohio, (Swan & Critchfield, page 295.)

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Burns, Burress, Curtiss, Ellis, Haines, Hudson, Kent, Kerr, Kessler. Kleinschmidt, Knox, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stickney, Stokes, Swan and Warnock —23.

So the bill passed. The title was agreed to.

H. B. No. 838—To authorize the Trustees of Brecksville township, Cuyahoga county, to levy a tax for certain purposes mentioned therein.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates. Burress, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Owens, Ransom, Rukenbrod, Schenck, Spangler, Stickney, Stokes, Swan, Warnock and Williams—23.

So the bill passed. The title was agreed to.

H. B. No. 909—To amend section 2 of an act entitled an act regarding the maintenance and repair of streets, alleys, etc., in cities of the first-class, having a population of more than 90,000 and less than 150,000 inhabitants at the last Federal census, passed April ——, 1877, and to repeal said original section.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 20, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Schenck, Stickney, Stokes, Swan, Warnock and Williams—20.

So the bill passed. The title was agreed to.

H. B. No. 866—To limit taxation in certain counties in this State.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Burns, Burress, Bur-

rows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kleinschmidt, Knox, Reese, Schenck, Sheridan, Spangler, Stickney, Swan, Warnock and Williams—24.

So the bill passed. The title was agreed to.

H. B. No. 805—Supplementary to an act entitled "An act to provide for the organization and government of municipal corporations, authorizing certain cities therein named to construct certain improvements therein named, and to issue bonds for the payment of the same."

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kessler, Kleinschmidt, Knox, Owens, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—28.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in the adoption of the report of the second committee of conference on matters of difference between the two Houses on—

S. B. No. 664—Mr. McLain—Making appropriations for the fiscal year 1877, and first quarter of the fiscal year 1878, and asks for a third committee of conference.

Attest: WM. LEONARD, *Clerk.*

The request of the House of Rrepresentatives was acceded to.

The President appointed Messrs. Bates, Swan and Owens as members of such committee on the part of the Senate.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 781—Mr. Converse—To amend an act entitled "An act to amend an act entitled 'an act supplementary to the act further to prescribe the duty of County Commissioners, passed April 8, 1856, and to repeal an act amendatory thereto," passed March 12, 1867, and took effect May 1, 1867, (S. & S., 89.)

H. B. No. 796—Mr. Converse--To amend section one of an act entitled "An act to amend section one of an act entitled 'an act to require County Commissioners to construct approaches to bridges," passed April 20, 1874, (vol. 71, p. 115.)

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 912—Mr. Converse—To enable the trustees of Marion township, in Franklin county, Ohio, to establish a voting place for said township in the city of Columbus.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 913—Mr. Dirr—To authorize cities of the first-class, having a population of over two hundred thousand, to levy additional tax.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

H. B. No. 827—To authorize the village council of Clarksville, Clinton county, Ohio, to levy a tax for the relief of G. W. Garrison and Ezekiel Cast.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Burress, Burrows, Curtiss, Ellis, Hudson, Johnston, Kent, Knox, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, and Warnock—22.

So the bill passed. The title was agreed to.

H. B. No. 808—To amend section fifty-one of the act passed May 7, 1869, entitled "An act to provide for the organization and government of municipal corporations," (66 vol. 149); section 491 of the same act, as amended April 18, 1870, (67 vol. 78); and section 493 of the said original act.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 5, nays 15, as follows:

Those who voted in the affirmative were—

Messrs. Brown of Lucas, Curtiss, Haines, Hudson and Kessler—5.

Those who voted in the negative were—

Messrs. Andrews, Bates, Burrows, Ellis, Johnston, Kent, Knox, Owens, Ransom, Schenck, Spangler, Stickney, Stokes, Swan and Warnock—15.

So the bill was lost.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker has appointed Messrs. Hodge, Dow and Brunner as a third committee of conference on matters of difference between the two Houses on—

H. B. No. 664—Mr. McLain—Making appropriations for the fiscal year 1877, and the first quarter of the fiscal year 1878.

Attest: WM. LEONARD, *Clerk.*

H. B. No. 645—To amend section five hundred and fifty-four of an act

to provide for the organization and government of municipal corporations, passed pay 7, 1869, (Ohio Laws, volume 66, page 149.)

Was read the third time and laid on the table.

H. B. No. 304—For the better protection of policy holders in life insurance companies.

Was read the third time.

Mr. Schenck moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section 3, line 4, strike out the words "and every paper," after the word "each," and in the same line the words "medical certificate."

Also in line 8, same section, the word "certificate."

Which was agreed to.

Mr. Schenck was appointed such select committee.

Mr. Schenck, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 304, with instructions to amend, reports the same back amended as instructed.

J. C. SCHENCK.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Hudson, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Monahan, Reese, Rukenbrod Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—30.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 639—Mr. Stryker—For the better security of head contractors, sub-contractors and material men, and to repeal certain acts therein named.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 456—Mr. Nigh—To establish a school of mines and mine engineering in the Ohio Agricultural and Mechanical College.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

Mr. Johnston, under suspension of Senate rule 19, submitted the following report:

The standing committee on Privileges and Elections, to whom was referred H. B. No. 728—Supplementary and amendatory of the act entitled "An act to amend sections 2, 4, and 24 of an act entitled 'an act to preserve the purity of elections,'"—having had the same under considera-

tion, report it back, with the following amendments, and recommend its passage when so amended:

1st, In line 15, of section 5, after the word "vote," insert the following: "At any other ward or precinct than that in which he may have registered."

2d, In lines 9 and 10, of section 7, strike out the following: "present the statements aforesaid evidencing their registry and."

3d, In line 1, section 2, strike out the words "trustees of townships and," and after the word "cities," strike out "and villages."

4th, In line 4, of same section, strike out the word "township," and after the word "city," strike out the words "or village."

5th, In lines 10 and 11, of same section, strike out the following: "clerk of the proper township," and lines 11 and 12, after the word "city," in line 11, strike out "or village, (as the case may be.)"

6th, In section 3, line 1, strike out the word "township," and after the word "city," strike out the words "or village."

7th, In section 8, lines 3, 4 and 5, strike out the following after the word "jurisdiction," in line 3: "one-third to go to the complainant, and two-thirds to the proper township, city or village for the benefit of common schools."

8th, In section 9, line 1, strike out the word "townships," and after the word "cities, in same line, strike out the words "and villages."

J. H. Bates, J. R. Johnston,
M. Kent, H. Kessler.

On motion of Mr. Curtiss, the further consideration of said bill and accompanying report was postponed until 10½ o'clock A. M., to-morrow, and made the special order for that hour.

On motion of Mr. Monahan, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

Thursday, May 3, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

Mr. Knox, on leave, offered the following resolution:

Which was adopted.

S. R. No. 108—*Resolved*, That Senate Resolution No. 73 be and is hereby rescinded.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled the following bills and joint resolutions:

S. B. No. 297—To amend section 200 of an act to establish a code of civil procedure.

S. B. No. 302—To amend section 1 of an act to protect the election of voluntary political associations, and punish frauds therein.

S. J. R. No. 70—Directing the railroad commissioners to confer with authorities of other States with a view of improvement, &c.

S. J. R. No. 67—Providing for the removal of insane persons.

S. B. No. 407—To amend section 313 of the code of civil procedure.

S. J. R. No. 68—Providing for the printing and distribution of Geological Survey Reports.

S. B. No. 238—To create a board of trustees of the sinking fund in cities of the first class.

S. B. No. 389—Supplementary to an act authorizing the commissioners of Ross county to build a jail.

S. B. No. 282—To amend section 1 of the act providing for the election of county auditors.

S. B. No. 374—To authorize the council of Bellevue to issue bonds.

E. L. LYBARGER, T. P. BROWN,
THOS. S. LUCCOCK, C. J. SWAN,
H. V. KERR.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and joint resolutions:

S. B. No. 302—Mr. Kessler—To amend section 1 of "An act to protect the elections of voluntary political associations, and punish frauds therein," as passed April 20, 1874, (O. L. volume 71, page 104).

S. B. No. 389—Mr. Brown of Ross—Supplementary to an act entitled "An act authorizing the county commissioners of Ross county to build a county jail, and to issue bonds therefor," passed March 17, 1877.

S. B. No. 282– Mr. Andrews—To amend section 1 of an act entitled "An act providing for the election of county auditors, and prescribing their duties," passed April 18, 1870.

S. B. No. 238—Mr. Bates—To create a board of trustees of the sinking fund in cities of the first class having a population of 180,000 or over.

S. B. No. 407—Mr. Burns—To amend section 313 of the code of civil procedure, as amended March 23, 1875.

S. B. No. 297—Mr. Bates—To amend section 200 of "An act to establish a code of civil procedure, (S. & S., page 550).

S. B. No. 374—Mr. Hudson—To authorize the council of the incorporated village of Bellevue to issue bonds for the completion of town hall and engine house.

S. J. R. No. 67—Mr. Schenck—Providing for the removal of insane persons to district hospitals, and for the treatment of the chronic insane.

S. J. R. No. 68—Mr. Johnston—Providing for the printing and distribution of the fifth volume of the final report of the Geological Corps of Ohio.

S. J. R. No. 70—Mr. Rukenbrod—Directing the railroad commissioner to confer with authorities of other States, with a view to the adoption of an improved system of accounts for railroad corporations.

Attest: WM. LEONARD, *Clerk.*

The Pesident, in presence of the Senate, signed said bills and joint resolutions:

Bills were read the second time and referred as follows:

H. B. No. 918—To authorize the town council of the incorporated village of Findlay, Hancock county, Ohio, to purchase a steam fire engine, and to issue bonds to pay for the same.

To a select committee of two—Messrs. Swan and Brown of Lucas.

H. B. No. 512—To secure to laborers their wages.

To the committee on Corporations other than Municipal.

H. B. No. 859—To amend an act to amend an act entitled "An act further to provide for the government of The Longview asylum, and amendatory and supplementary to the act entitled "an act to constitute the county of Hamilton a separate district for lunatic asylum purposes, and to provide for the erection and government of an asylum therein,'" passed April 16, 1867, (Volume 64, page 246).

To the committee on Benevolent Institutions.

H. B. No. 890—To authorize the council of the incorporated village of Marysville, Union county, Ohio, to purchase or condemn grounds for a cemetery, and to levy a tax, issue bonds and borrow money to pay therefor.

To the committee on Municipal Corporations.

H. B. No. 258—To provide a warehouse, create the office of Inspector of leaf tobacco, and regulate the inspection of tobacco.

To the committee on Agriculture.

H. B. No. 758—To amend section 1 of an act to authorize county commissioners to locate and construct turnpike roads, passed April 30, 1869, (Ohio Laws, volume 66, page 62).

To the committee on Roads and Highways.

H. B. No. 700—To allow certain cities of the second class to purchase or erect gas works.

To the committee on Municipal Corporations.

H. B. No. 813—To authorize the board of public works to enlarge a a culvert under the Ohio canal, known as Williams' culvert, on the Mill-port level, in Pickaway county.

To the committee on Public Works.

H. B. No. 571—To amend section 8 of an act entitled "An act to provide for the proof, acknowledgment and recording of deeds and other instruments of writing," passed February 22, 1831, (Swan & Critchfield, page 467).

To the committee on Judiciary.

H. B. No. 869—To authorize the trustees of Garrettsville township, Portage county, Ohio, to levy a tax for certain purposes therein named.

To committee on Corporations other than Municipal.

H. B. No. 912—To enable the trustees of Marion township, Franklin county, Ohio, to establish a voting place for said township in the city of Columbus.

To the committee on Privileges and Elections.

H. B. No. 781—To amend an act entitled "An act to amend an act entitled 'an act supplementary to the act further to prescribe the duty of county commissioners,' passed April 8, 1856, and to repeal an act amendatory thereto," passed March 12, 1867, and took effect May 1, 1867, (Swan & Sayler, 89).

To the committee on Judiciary.

H. B. No. 796—To amend section 1 of an act entitled an act to amend section 1 of the act entitled "An act to require county commissioners to construct approaches to bridges," passed April 20, 1874, (Volume 71, page 115).

To the committee on Judiciary.

H. B. No. 913—To authorize cities of the first class having a population of over two hundred thousand to levy additional tax.

To a select committee of four—Senators from First District.

H. B. No. 456—To establish and maintain a school of mines and mine engineering in the Ohio Agricultural and Mechanical College.

To the committee on Mines and Mining.

H. B. No. 410—To amend section 414 of chapter 30 of an act to provide for the organization and government of municipal corporations, passed May 7, 1869, (Ohio Laws, volume 66, page 149).

Was read the third time and laid on the table.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed, S. J. R. No. 60.

WM. W. BEATTY,
J. C. SCHENCK,
JAS. W. OWENS.

Mr. Schenck moved that rule No. 19 be suspended, and H. B. No. 897—Supplementary to the act entitled "An act relating to Juries," passed April 26, 1873; also, an act entitled an act to amend section 2 of the act entitled an act relating to juries, passed April 26, 1873, passed March 9, 1876, also, the act entitled an act to regulate the fees of Probate Judges, Clerks of the courts, Sheriffs, witnesses, jurors' fees in partitions, and to repeal certain acts therein named," passed April 8, 1876, and to repeal the same, so far as the same may be applicable to the provisions of this act, be taken up out of its order and read the third time.

On which motion the yeas and nays were taken, and resulted—yeas 17, nays 2, as follows:

Those who voted in the affirmative were----

Messrs. Andrews. Ault, Beatty, Brown of Lucas, Brown of Ross, Burress, Curtiss, Haines, Hudson, Knox, Lewis, Miller, Philson, Schenck, Sheridan, Stickney and Warnock—17.

Those who voted in the negative were—

Messrs. Johnston and Monahan—2.

So the motion was disagreed to.

H. B. No. 728—Supplementary and amendatory of the act entitled an act to amend sections 2, 4, and 24 of an act entitled an act to preserve the purity of elections, the special order for this hour, (10½ A. M.) was taken up for further consideration.

The question being on agreeing to the amendments reported by the committee on Privileges and Elections.

They were ordered to be considered seriatim.

Amendment No. 7 was agreed to.

Amendments Nos. 1 and 2 were disagreed to.

The question being on concurring in amendments Nos. 3, 4, 5, 6 and 8, the yeas and nays were demanded, taken, and resulted—yeas 16, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Ellis, Haines, Hudson, Johnston, Lewis, Monahan, Owens, Reese, Rukenbrod, Sheridan, Stickney, Stokes and Williams—16.

Those who voted in the negative were----

Messrs. Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Kerr, Kessler, Kleinschmidt, Philson, Ransom, Schenck, Spangler, Stanton, Swan and Warnock—16.

So said amendments were disagreed to.

The bill was read the third time, and made the special order for 3 o'clock P. M.

On motion of Mr. Burns the Senate took a recess.

THREE O'CLOCK P. M.

On motion of Mr. Andrews, H. B. No. 822—For the relief of Mercer County Agricultural Society, was taken from the table.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 19, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burress, Haines, Hudson, Kent, Kerr, Kleinschmidt, Lewis, Miller, Owens, Reese, Sheridan, Spangler, Stickney, Stokes and Swan—19.

Those who voted in the negative were----

Messrs. Burns, Burrows, Curtiss, Johnston, Knox and Warnock—6.

So the bill passed. The title was agreed to.

H. B. No. 728—Supplementary and amendatory of the act entitled an act to amend sections 2, 4 and 24 of an act entitled an act to preserve the purity of elections, the special order for this hour, was taken up for further consideration.

On demand of Mr. Stanton, a call of the Senate was had.

Thirty-five Senators answered to their names.

Mr. Ellis was absent.

On motion of Mr. Kessler, all further proceedings under the call were dispensed with.

Mr. Brown of Lucas, moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section 11, line 5, between the words "territory" and "bounded" insert the following words: "for election purposes only."

Which was agreed to.

Mr. Brown of Lucas, was appointed such select committee.

Mr. Brown of Lucas, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 728, with instructions to amend, reports the same back amended as instructed.

T. P. Brown.

Mr. Monahan moved that the bill be referred to a select committee of one with instructions to amend as follows:

Strike out section 17, and insert: "This act shall take effect and be in force when submitted to a vote of the electors of the State, provided a majority of all the votes cast at the next regular election, shall favor the provisions of this act; the ballots to be marked, "Registry, Yes," and "Registry, No."

On which motion the yeas and nays were demanded, taken and resulted—yeas 16, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Burress, Ellis, Haines, Hudson, Kerr, Lewis, Miller, Monahan, Owens, Reese, Sheridan, Stickney, Stokes and Williams—16.

Those who voted in the negative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—19.

So the motion was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 20, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock —20.

Those who voted in the negative were—

Messrs. Andrews, Ault, Burress, Ellis, Haines, Hudson, Kerr, Lewis, Miller, Monahan, Owens, Reese, Sheridan, Stickney, Stokes and Williams—16.

The bill passed. The title was agreed to.

H. B. No. 446—To empower Trustees of townships to purchase land containing stone or gravel necessary for the improvement of public highways.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 26, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Knox, Lewis, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stokes, Swan, Warnock and Williams—26.

Mr. Johnston voted in the negative—1.

So the bill passed. The title was agreed to.

H. B. No. 819—Supplementary to an act entitled an act to provide for and regulate street railroad companies, passed April 10, 1861. (S. & S., p. 134.)

Was read the third time.

Mr. Kessler moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Insert at end of section one the following:

Provided, that nothing herein shall be so construed as in any manner to extend the term of subsisting street railroad grant or contract, or to enlarge the rights and privileges to which either of said companies is now entitled under such grant or contract.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 23, nays 13, as follows:

Those who voted in the affirmative were—

Messrs. Beatty, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Stokes, Swan, Warnock and Williams—23.

Those who voted in the negative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Burress, Haines, Hudson, Kent, Lewis, Miller, Reese, Sheridan and Stickney—13.

So the motion was agreed to.

Mr. Kessler was appointed such select committee.

Mr. Kessler, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 819, with instructions to amend, reports the same back amended as instructed.

H. KESSLER.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 13, nays 22, as follows:

Those who voted in the affirmative were----

Messrs. Andrews, Ault, Bates, Brown of Lucas, Burress, Haines, Hudson, Kent, Lewis, Miller, Reese, Sheridan and Stickney—13.

Those who voted in the negative were—

Messrs. Beatty, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Johnston, Kerr, Kessler, Kleinschmidt, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Stokes, Swan, Warnock and Williams—22.

So the bill was lost.

On motion of Mr. Monahan, the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

FRIDAY, MAY 4, 1877—10 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

Mr. Brown of Lucas submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled, the following bills:

H. B. No. 709—Requiring the Auditor of Defiance county to refund certain taxes improperly collected.

H. B. No. 308—To enable executors and administrators to obtain funds arising from sale of real estate on partition to pay debts.

H. B. No. 862—To punish offenses on street railroad cars.

H. B. No. 774—Supplementary to an act to create a special school district in Mentor township, Lake county, Ohio (O. L., vol. 73, p. 297).

H. B. No. 669—To repeal an act entitled an act to authorize the issuing of floating debt bonds in cities of the first class having a population of less than one hundred thousand, passed April 18, 1874 (O. L., vol. 71, p. 94.)

H. B. No. 676—Supplementary to the act passed March 29, 1867 (64 vol. 80, S. & S., 671) entitled an act to authorize the County Commissioners to construct roads on a petition of a majority of resident landowners along and adjacent to the line of said road, and to repeal an act therein named, and the acts amendatory and supplemental thereto.

H. B. No. 642—To provide for the erection of a bridge over Mill creek, at Liberty street, in Hamilton county.

H. B. No. 829—To amend (42) section 33 of an act for opening and regulating roads and highways, passed January 27, 1853 (S. & C., pp. 1297–8.

H. B. No. 797—To authorize the Trustees of Darby township, Madison county, to transfer certain funds therein named.

C. J. SWAN, E. C. LEWIS,
ASA TOBEREN, E. L. LYBARGER,
H. V. KERR, THOS. S. LUCCOCK.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The Speaker of the House of Representatives, has, in presence of the House, signed the following bills:

H. B. No. 709—Mr. Toberen—Requiring the Auditor of Defiance county to refund certain taxes improperly collected.

H. B. No. 774—Mr. Richards—Supplementary to an act to create a special school district in Mentor township, Lake county, Ohio (O. L., vol. 73, p. 297).

H. B. No. 797—Mr. Beach—To authorize the Trustees of Darby township, Madison county, to transfer certain funds mentioned therein.

H. B. No. 676—Mr. Hostetter—Supplementary to the act passed March 29, 1867 (64 vol. 80, S. & S., 671), entitled an act to authorize the County Commissioners to construct roads on the petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named and the acts amendatory and supplemental thereto.

H. B. No. 642—Mr. Stryker—To provide for the erection of a bridge over Mill creek, at Liberty street, in Hamilton county.

H. B. No. 669—Mr. Huberich—To repeal an act entitled an act to authorize the issuing of floating debt bonds in cities of the first class having a population of less than one hundred thousand, passed April 18, 1874 (O. L., vol. 71, p. 94).

H. B. No. 308—Mr. Ullery—To enable executors and administrators to obtain funds arising from sale of real estate on partition to pay debts.

H. B. No. 862—Mr. Converse—To punish offenses on street railroad cars.

H. B. No. 829—Mr. Watson—To amend (42) section 33 of an act entitled an act for the opening and regulating roads and highways. passed January 27, 1853 (S. & C., pp. 1297–8).

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills.

Mr. Kent submitted the following report:

The committee of conference on matters of difference between the House and Senate on H. B. No. 46, having had the same under consideration, report that they cannot agree, and ask that they be discharged from the further consideration of the same.

M. KENT,
GEO. W. ANDREWS,
A. R. HAINES,
Senate Committee.

J. T. SELLARDS,
H. G. TRYON,
A. J. SWAIM,
House Committee.

The request of the committee was acceded to.

Mr. Johnston asked and was granted leave to submit a report from the committee on Judiciary.

Mr. Knox moved that the vote whereby said leave was granted be reconsidered.

Which was agreed to.

H. B. No. 802—To secure greater safety for public travel over bridges.

Was read the third time.

Mr. Monahan moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In sections 8, line 3, strike out the words; "By and in the employment of the corporations owning or using the bridge." and insert: "By the Commissioners of the county in which any bridge may be situated, and that said Commissioners shall allow the person appointed a reasonable consideration for his services, to be paid by the corporation owning or using the bridge.

Which was disagreed to.

Mr. Owens moved that the bill be referred to a select committee of one with instructions to amend as follows:

Strike out all of section 4 after the word "namely," in line 9, and insert the following:

"Beams having a length of ten diameters, seven thousand pounds per square inch, with square ends;

"Beams having a length of from ten to fifteen diameters, six thousand six hundred pounds per square inch, with square ends;

"Beams having a length of from fifteen to twenty diameters, six thousand three hundred pounds per square inch, with square ends;

"Beams having a length of from twenty to twenty-five diameters, five thousand nine hundred pounds per square inch, with square ends;

"Beams having a length of from twenty-five to thirty diameters, five thousand seven hundred pounds per square inch, with square ends;

"Beams having a length of from thirty to thirty-five diameters, five thousand pounds per square inch, with square ends;

"Beams having a length of from thirty-five to forty diameters, four thousand six hundred pounds per square inch, with square ends;

"Beams having a length of from forty to fifty diameters, three thousand nine hundred pounds per square inch, with square ends;

"Beams having a length of from fifty to sixty diameters, three thousand two hundred pounds per square inch, with square ends;

"And all beams, either square or cylindrical in section, in compression, which shall have one square end, and one rounded or hinged end, shall be counted at two-thirds of the above named values for strength, respectively, and all beams having two rounded or hinged ends, shall be counted at one-third of the above named values of square ends, respectively, for strength."

Which was agreed to.

Mr. Owens was appointed such select committee.

Mr. Owens, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 802, with instructions to amend, reports the same back amended as instructed.

JAS. W. OWENS.

Mr. Monahan moved that the bill be referred to a select committee of one, with instructions to amend as follows:

At the close of section 8, insert "And if any corporation owning or using any bridge shall fail to comply with the provisions of this section, it shall be the duty of the Commissioner of Railroads to appoint some suitable person to inspect and make said reports at the expense of the company or corporation using or owning the bridge."

Which was disagreed to.

Mr. Kent moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section 17, line 2, after the word "be," strike out the word "thirty" and insert the word "fifty."

Which was disagreed to.

Mr. Mille moved that the bill be laid on the table.

Which was disagreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has concurred in the passage of—

S. B. No. 417—Mr. Rukenbrod—To require inn and boarding house keepers to provide suitable and efficient fire escapes—

With the following amendment, in which the concurrence of the Senate is requested:

In line 2, section 3, strike out the words "such agent or agents as he may appoint," and insert "the police, marshall or other officer of said city or village, acting under his direction."

Attest WM. LEONARD, *Clerk.*

The question being on concurring in said amendment, the yeas and nays were taken, and resulted—yeas 19, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Burns, Burrows, Curtiss, Haines, Johnston, Kent, Kessler, Kleinschmidt, Knox, Miller, Philson, Rukenbrod, Schenck, Stanton, Swan, Warnock and Williams—19.

Mr. Monahan, voted in the negative—1.

So the amendments were concurred in.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills and joint resolution:

H. B. No. 743—To create a special school district in Mesopotamia township, Trumbull county.

H. B. No. 831—Vesting police commissioners with certain powers and duties of a board of health in cities of the second-class having a population of more than 31,000 and less than 35,000 at the last Federal census, and not having a board of health.

H. B. No. 799—To provide for the abandonment of a certain portion of the Hocking canal, lying between the first lock below and east of Nelsonville and the village of Chauncey, Athens county, Ohio.

H. B. No. 844—To authorize the council of the incorporated village of New Washington, in Crawford county, to borrow money for the construction of a lock-up and mayor's office.

H. J. R. No. 96—Providing for the payment of the claim of Bohm and Field, contractors for the cut-stone work on the Ohio Institution for the Education of the Blind.

ASA TOBEREN, C. J. SWAN,
E. L. LYBARGER, E. C. LEWIS,
THOS. S. LUCCOCK, H. V. KERR.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and joint resolution:

H. B. No. 831—Mr. Converse—Vesting the police commissioners with certain powers and duties of a board of health in cities of the second-class having a population of more than 31,000 and less than 35,000 at the last Federal census, and not having a board of health.

H. B. No. 743—Mr. McLain—To create a special school district in Mesopotamia township, Trumbull county.

H. B. No. 799—Mr. Bowen—To provide for the abandonment of a certain portion of the Hocking canal, lying between the first lock below and east of Nelsonville and the village of Chauncey, Athens county, O.

H. B. No. 844—Mr. Messer—To authorize the council of the incorporated village of New Washington, in Crawford county, to borrow money for the construction of a lock-up and mayor's office.

H. J. R. No. 96—Committee on Claims—Providing for the payment of the claim of Bohm and Field, contractors for the cut stone work of the Ohio Institution for the Education of the Blind.

Attest: WM. LEONARD, *Clerk.*

The President, in the presence of the Senate, signed said bills and joint resolution.

H. B. No. 839—To authorize the board of education of the incorporated village of Williamsport, Pickaway county, Ohio, and territory annexed for school purposes, to borrow money and levy a tax to pay certain indebtedness

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Ellis, Johnston, Kent, Kessler, Knox, Miller, Monahan, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—23.

So the bill passed. The title was agreed to.

H. B. No. 911—To repeal an act entitled "An act to create a special school district of special districts numbers 6 and 7, in Norwich township, Franklin county, Ohio, and school districts numbers 4 and 5 in Brown township, in said county, and school district number 2, in Prairie township, in said county," passed April 21, 1877.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss,Ellis, Haines, Johnston, Kent, Kessler, Kleinschmidt, Knox, Miller, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Williams—27.

So the bill passed. The title was agreed to.

H. B. No. 820—To provide for the purchase of books for the use of common schools.

Was read the third time.

Mr. Warnock moved that the bill be referred to a select committee of one with instructions to amend as follows:

1—In section 5, line 1, strike out the words "and required."

2—In same section, line 4, strike out the word "shall," and insert 'may."

3—In same section, line 5, strike out the words "at cost."

4—In same section, line 6, after the word "books" insert the words "more than ten per cent. of said first cost for."

On motion of Mr. Knox, the Senate took a recess until 2½ o'clock p. m.

TWO AND ONE-HALF O'CLOCK P. M.

The motion to refer H. B. No. 820 to a select committee of one with instructions to amend, was agreed to.

Mr. Warnock was appointed such select committee.

Mr. Warnock, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 820, with instructions to amend, reports the same back amended as instructed.

W. R. WARNOCK.

Mr. Monahan moved that the bill be referred to a select committee of one with instructions to amend as follows:

Strike out the last two words in the bill and insert "January 1, 1878."

On which motion the yeas and nays were taken, and resulted—yeas 17. nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Ross, Burrows, Ellis, Haines, Kent, Kerr, Miller, Monahan, Owens, Rukenbrod, Spangler, Stanton, Stickney, Stokes and Swan—17.

Those who voted in the negative were—

Messrs. Ault, Bates, Brown of Lucas, Curtiss, Knox and Warnock—6.

So the motion was agreed to.

Mr. Monahan was appointed such select committee.

Mr. Monahan, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 820, with instructions to amend, reports the same back amended as instructed.

I. T. MONAHAN.

On demand of Mr. Burrows, a call of the Senate was had.

Thirty-three Senators answered to their names.

Messrs. Hudson, Lewis and Ransom were absent.

On motion of Mr. Warnock, all further proceedings under the call were dispensed with.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 14, nays 17, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Bates, Beatty, Brown of Ross, Burns, Burrows, Haines, Johnston, Kerr, Knox, Philson, Spangler, Stokes and Warnock—14.

Those who voted in the negative were—

Messrs. Andrews, Brown of Lucas, Burress, Curtiss, Ellis, Kent. Kessler, Kleinschmidt, Miller, Monahan, Owens, Reese, Rukenbrod, Sheridan, Stanton, Stickney and Williams—17.

So the bill was lost.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills in which the concurrence of the Senate is requested—

H. B. No. 707—Mr. Wiltsee—To amend section two of an act entitled "An act to protect more effectually the lives of railroad passengers from casualties by fire," passed May 4, 1869, (O. L., vol. 66, p. 95).

H. B. No. 919—Mr. Stone—Authorizing the County Commissioners of Gallia county to build a court house, and to issue bonds therefor.

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

Mr. Philson moved that the constitutional rule requiring bills to be read on three different days be dispensed with, and H. B. No. 919 be read the second time.

On which motion the yeas and nays were taken and resulted—yeas 30, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Miller, Owens, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams —30.

So the rule was dispensed with.

The bill was read the second time.

Mr. Philson moved that said constitutional rule be again dispensed with, and said bill be read the third time.

On which motion the yeas and nays were taken and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Miller, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—29.

So the rule was dispensed with.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Stanton, Stickney, Stokes, Swan and Warnock—27.

So the bill passed. The title was agreed to.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills and joint resolution:

H. B. No. 633—For the better security of head contractors, sub-contractors and material men, and to repeal certain acts therein named.

H. B. No. 654—To amend section nine of an act entitled an act to amend sections 24, 29, 39, 40, 41, 42, 44 and 45 of an act for the assessment and taxation of property in this State, and for levying taxes thereon according to its true value, etc., etc.

H. B. No. 805—Supplementary to an act to provide for the organization, etc., etc.

H. J. R. No. 117—Authorizing the Board of Public Works to condemn and appropriate certain lands therein described.

J. W. Washburn, Asa Toberen,
E. L. Lybarger, T. P. Brown,
C. J. Swan.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and joint resolution:

H. B. No. 654—Mr. Kemp—To amend section nine of an act entitled "An act to amend sections 24, 29, 39, 40, 41, 42, 44 and 45 of an act entitled an act for the assessment and taxation of property in this State, and for levying taxes thereon according to its true value in money, as amended April 7, 1863," passed and took effect May 8, 1868.

H. B. No. 805—Mr. Oglevee—Supplementary to an act entitled "An act to provide for the organization and government of Municipal Corporations, authorizing certain cities therein named to construct certain improvements therein named, and to issue bonds for the payment of the same.

H. B. No. 639—Mr. Stryker—For the better security of head contractors, sub-contractors and material men, and to repeal certain acts therein named.

H. J. R. No. 117—Committee on Public Works—Authorizing the Board of Public Works to condemn and appropriate certain lands therein described.

Attest: Wm. Leonard, *Clerk.*

The President, in presence of the Senate, signed said bills and joint resolution.

H. B. No. 856—To create a joint sub-district for school purposes in the township of Thorn, Perry county, Ohio, and Walnut township, Fairfield county, Ohio.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Miller, Monahan, Owens, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Swan, Warnock and Williams—28.

So the bill passed. The title was agreed to.

Mr. Bates submitted the following report:

The committee of Conference appointed to consider the matters of difference between the two Houses on House Bill No. 664—Mr. McLain—Making appropriations for the fiscal year 1877, and the first quarter of the fiscal year 1878, report as follows:

1st. The committee recommend that the Senate recede from its amendments Nos. 3, 4, 12, 21, 23, 24, 30, 31 and 25.

2d. The committee recommend that the House concur in Senate amendments Nos. 5, 32 and 17.

3d. The committee recommend that Senate amendment No. 6 be

amended so as to read as follows, viz: Three thousand dollars to complete the removal of obstructions in what is known as the Providence slack-water, on the Miami and Erie canal, provided that no part of said appropriation shall be paid out until the Board of Public Works shall have entered into a contract, secured by bond with responsible parties, to fully and entirely complete said work for a price not to exceed the amount of this appropriation.

4th. The committee recommend that the Senate concur in the House amendment to Senate amendment No. 8.

5th. The committee recommend that the Senate amendment No. 34 be amended so as to read as follows: *Provided*, that the contract under which said boys are supported shall terminate on February 1, 1878; and the Probate Judge of Lucas county shall transfer such boys at the expense of the State to the Reform Farm near Lancaster, at such times, and in such detachments, as the Attorney-General shall direct.

6th. That the Senate amendment No. 7 be amended so as to read as follows, viz: That there be, and hereby is appropriated, the sum of ten thousand dollars for the purpose of removing obstructions and improving the Miami river, between the Lewistown reservoir and the town of Quincy, Logan county; said work to be done under the supervision of the Board of Public Works, who are required to make a report of their proceedings under this appropriation in their next annual report.

That there be, and hereby is appropriated, the sum of five thousand dollars for the purpose of compensating owners of lands adjacent to the Lewistown reservoir for damages done by the flooding of said lands with back-water, and destruction of drainage by reason of the construction and maintenance of said reservoir; and the Board of Public Works is hereby authorized to settle with the owners of said lands and obtain easements therefor.

7th. The committee recommend that Senate amendment No. 22 be amended so as to read as follows: For covering the diagonal walks on the east half of the State House grounds with asphalt, the sum of two thousand dollars.

8th. The committee recommend that the Senate amendment No. 10 be amended by striking out "seven hundred and fifty," and inserting in lieu thereof "three hundred."

J. H. Bates, C. J. Swan,
James W. Owens, O. J. Hodge,
L. A. Brunner, D. Dow,

Committee on part of the Senate and House.

The question being on concurring in said report, the yeas and nays were taken, and resulted—yeas 30, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Miller, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—30.

Those who voted in the negative were—

Messrs. Monahan and Reese—2.

So the report was concurred in.

H. B. No. 896—To authorize the council of the incorporated village of Marysville, Union county, Ohio, to levy a tax to build a tawn hall.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault' Bates, Beatty, Brown of Lucas, Burns, Burress, Curtiss, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan. Warnock and Williams—29.

So the bill passed. The title was agreed to.

H. B. No. 714—Supplementary to "An act to more effectually provide for locating, establishing and constructing ditches, drains, and water courses in townships, and to repeal certain acts therein named," passed April 18, 1874, (Ohio Laws, volume 71, page 124).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burress, Curtiss, Haines, Kent, Kessler, Knox, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stokes, Swan and Warnock—22.

So the bill passed. The title was agreed to.

H. J. R. No. 60—Providing for the printing of additional copies of the History of Education in Ohio.

Was taken up for further consideration.

The question being on the adoption of the resolution the yeas and nays were demanded, taken, and resulted—yeas 26, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Curtiss, Haines, Johnston, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Sheridan, Spangler, Stickney, Stokes, Swan and Warnock—26.

Messrs. Kent and Miller voted in the negative—2.

So the resolution was adopted.

H. B. No. 810—Relating to dower and the mode of fixing the value of dower estates.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Sheridan, Spangler, Stickney, Stokes, Swan and Warnock—28.

So the bill passed. The title was agreed to.

H. B. No. 897—Supplementary to the act entitled "An act relating to juries," passed April 26, 1873; also, an act entitled "An act to amend section 2 of the act entitled 'an act relating to juries,'" passed April 26, 1873; passed March 9, 1876; also, the act entitled "An act to regulate the fees of probate judges, clerks of the courts, sheriffs, witnesses, jurors' fees in partitions, and to repeal certain acts therein named," passed April 8, 1876, and to repeal the same, so far as the same may be applicable to the provisions of this act.

Was read the third time.

Mr. Johnston moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In line 3 of section 13, between the words "members" and "and" insert the following:

"Actual and contributing members of all military companies and batteries."

Which was agreed to.

Mr. Johnston was appointed such select committee.

Mr. Johnston, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 897, with instructions to amend, reports the same back amended as instructed.

J. R. JOHNSTON.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 19, nays 9, as follows:

Those who voted in the affirmative were—

Messrs. Beatty, Brown of Lucas, Burns, Burrows, Curtiss, Haines, Kent, Kessler, Kleinschmidt, Knox, Owens, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Swan and Warnock—19.

Those who voted in the negative were—

Messrs. Andrews, Ault, Burress, Ellis, Johnston, Miller, Monahan, Reese and Stokes—9.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 243—Mr. Stanton—To fix the rate of legal advertising and to repeal a certain act named therein.

With the following amendments in which the concurrence of the Senate is requested:

Strike out all after the enacting clause and insert the following:

"That publishers of newspapers shall be allowed to charge and entitled to receive for the publication of all advertisements, the price or rate for which is not now fixed by law, which by law are required to be published by any public officer or officers of counties, cities, villages, townships, schools, benevolent or other public institutions, and all notices and publications known as official advertisements, notices relating to the estates of deceased persons, and all notices and publications generally known as legal advertisements, and all advertisements appertaining to any public interest and required by law to be printed in any newspaper in this State, the following sums. to-wit: For the first insertion, one dollar for each square; and for each additional insertion authorized by law, or by the officer or person so ordering, forty cents for each square, fractional squares to be estimated at the same rate for space occupied; and in advertisements containing tabular or rule work, an additional sum of fifty per cent. may be charged in addition to the before mentioned rates, for that portion of said advertisement containing such tabular rule work.

SEC. 2. A square shall be considered and held to be a space occupied by three hundred ems; and all legal advertising shall be set up in compact form, without any unnecessary blanks or head lines.

SEC. 3. That sections 1, 2, 3 and 4 of an act to fix the price of legal

advertising, passed March 25, 1876, (Volume 73, page 75), are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments the yeas and nays were taken, and resulted, yeas 10, nays 23, as follows:

Those who voted in the affirmative were—

Messrs. Beatty, Burress, Burrows, Curtiss, Kent, Kessler, Kleinschmidt, Philson, Stanton and Warnock.—10.

Those who voted in the negative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Burns, Ellis, Haines, Johnston, Kerr, Knox, Miller, Monahan, Owens, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan and Wiliams—23.

So the Senate refused to concur in said amendment.

Mr. Swan submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 670—To facilitate the administration of Justice in Lucas county—having had the same under consideration, report it back without recommendation.

C. J. SWAN, W. R. WARNOCK,
JAS. W. OWENS, GEO. W. ANDREWS,
N. P. BURRESS.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 24, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Burress, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kessler, Miller, Monahan, Owens, Reese, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—24.

Those who voted in the negative were—

Messrs. Burns, Burrows, Knox, Kleinschmidt, Rukenbrod and Stanton —6.

So the bill was lost.

Mr. Warnock submitted the following report:

The standing committee on Judiciary, to whom was referred S. B. No. 379—Relating to dams for hydraulic purposes—having had the same under consideration, report it back and recommend its passage.

J. H. BATES, W. R. WARNOCK,
GEO. W. ANDREWS, N. P. BURRESS.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Knox submitted the following report:

The standing committee on Finance to whom was referred S. R. No. 107—Directing the President of the Senate to issue his warrant upon the Treasurer of State in favor of Mrs. Abner Haines, Sr.—having had

the same under consideration, report it back and recommend its adoption.

Samuel Knox,	H. W. Curtiss,
J. H. Bates,	R. Stanton,
Elias Ellis,	A. R. Haines.

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Owens, Philson, Ransom, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—27.

So the resolution was adopted.

Mr. Stanton submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 915—To authorize the commissioners of Athens county, to pay certain indebtedness—having had the same under consideration, report it back, and recommend its passage.

R. Stanton,	J. H. Bates,
Samuel Knox,	Elias Ellis,
Jno. H. Hudson,	A. R. Haines.

The bill was ordered to be read the third time to-morrow.

Mr. Knox submitted the following report:

The standing committee on Finance to whom was referred H. B. No. 887—To authorize the Commissioners of Pickaway county, Ohio, to use from the bridge fund of said county, any sum not exceeding three thousand dollars for road purposes therein, having had the same under consideration, report it back and recommend its passage.

Samuel Knox,	R. Stanton,
H. W. Curtiss,	Jno. H. Hudson,
A. R. Haines,	J. H. Bates.

The bill was ordered to be read the third time to-morrow.

Mr. Knox, submitted the following report:

The standing committee on Finance, to whom was referred H. B. No. 873—For the relief of J. D. Phillips, treasurer of Hicksville special school district, having had the same under consideration, report it back without recommendation.

Samuel Knox,	R. Stanton,
A. R. Haines,	J. H. Bates,
J. H. Hudson,	H. W. Curtiss.

The bill was ordered to be read the third time to-morrow.

Mr. Knox submitted the following report:

The standing committee on Finance to whom was referred H. B. No. 765—To repeal section six of an act entitled an act supplementary to an act entitled an act for the assessment and taxation of property in this State, and for levying taxes therein, according to its true value in money, passed and took effect May 1, 1862, having had the same under consideration, report it back and recommend its passage.

Samuel Knox,	H. W. Curtiss,
R. Stanton,	Jno. H. Hudson,
A. R. Haines,	J. H. Bates.

The bill was ordered to be read the third time to-morrow.

On motion of Mr. Stanton, the vote whereby H. B. No. 808 was lost, was reconsidered.

The bill was laid on the table.

Mr. Bates submitted the following report:

The standing committee on Finance, to whom was referred H. B. No 905—Appropriating money to pay for transcribing certain muster rolls of the Ohio Volunteers into permanent record books, and for obtaining information in regard to Union soldiers' graves, and providing suitable headstones, having had the same under consideration, report it back with the following amendments, and recommend its passage when so amended.

1st. Strike out section three.

2d. Renumber section four as number three.

SAMUEL KNOX, J. H. BATES,
H. W. CURTISS, R. STANTON,
A. R. HAINES, ELIAS ELLIS.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Miller submitted the following report:

The standing committee on Public Works, to whom was referred H. B. No. 813—To authorize the Board of Public Works to enlarge a culvert under the Ohio canal, known as Williams' Culvert, on the Millport level, in Pickaway county, having had the same under consideration, report it back without recommendation.

WM. MILLER, R. E. REESE,
M. KENT, R. STANTON,
A. L. BROWN.

The bill was ordered to be read the third time to-morrow.

Mr. Burns submitted the following report:

The standing committee on Judiciary, to whom was referred H. B. No. 571—To amend section eight of the act entitled an act to provide for the proof, acknowledgment and recording of deeds and other instruments of writing, passed February 22, 1831, (S. & C. page 467), having had the same under consideration, report it back and recommend its passage.

A. M. BURNS, GEO. W. ANDREWS,
JAS. W. OWENS, W. R. WARNOCK,
J. H. BATES.

The bill was ordered to be read the third time to-morrow.

Mr. Burns submitted the following report:

The standing committee on Municipal Corporations to whom was referred H. B. No. 908—To authorize the Council of the incorporated village of Medina to purchase a fire engine and provide money to pay for the same, having had the same under consideration, report it back and recommend its passage.

A. M. BURNS, J. C. SCHENCK,
T. P. BROWN, H. KESSLER,
R. E. REESE, JAS. W. OWENS.

The bill was ordered to be read the third time to-morrow.

Mr. Burns submitted the following report:

The standing committee on Municipal Corporations to whom

was referred H. B. No. 890—To authorize the council of the incorporated village of Marysville, Union county, Ohio, to purchase or condemn grounds for cemetery purposes, and to levy a tax, issue bonds, and borrow money to pay therefor, having had the same under consideration, report it back and recommend its passage.

A. M. Burns, J. C. Schenck,
H. Kessler, Jas. W. Owens,
R. E. Reese, T. P. Brown.

The bill was ordered to be read the third time to-morrow.

Mr. Kessler submitted the following report:

The standing committee on Municipal Corporations to whom was referred H. B. No. 734—To amend section three of an act entitled an act to provide for the safety of persons attending public assemblies, passed April 13, 1865, (S. & S., p. 636,) having had the same under consideration report it back and recommend its passage.

A. M. Burns, H. Kessler,
J. C. Schenck, T. P. Brown,
R. E. Reese, Jas. W. Owens.

The bill was ordered to be read the third time to-morrow.

Mr. Johnston submitted the following report:

The standing committee on Roads and Highways, to whom was referred H. B. No. 758—To amend section one of an act to authorize County Commissioners to locate and construct turnpike roads, passed April 30, 1869, (O. L., vol. 66, p. 62), having had the same under consideration, report it back without recommendation.

J. R. Johnston, M. Kent,
Wm. Sheridan, Jr., A. Spangler,
A. L. Brown.

The bill was ordered to be read the third time to-morrow.

Mr. Brown of Ross submitted the following report:

The standing committee on Agriculture, to whom was referred H. B. No. 258—To provide a warehouse, create the office of inspector of leaf tobacco, and regulate the inspection of tobacco, having had the same under consideration, report it back without recommendation.

A. L. Brown, E. T. Stickney,
Elias Ellis, A. Spangler,
A. M. Burns, H. Kessler,
A. R. Haines.

The bill was ordered to be read the third time to-morrow.

Mr. Warnock submitted the following report:

The standing committee on Corporations other than Municipal, to whom was referred H. B. No. 512—To secure to laborers their wages, having had the same under consideration, report it back, with the following amendments and without recommendation:

In section 1, line 6, after the word "mortgage," add the words "attachment, judgment or mechanic's lien."

In section 2, line 7, insert after the word "mortgage" the words "attachment, judgment or mechanic's lien."

W. R. Warnock, Geo. W. Andrews,
W. W. Beatty, J. R. Johnston.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Warnock submitted the following report:

The standing committee on Corporations other than Municipal, to whom was referred H. B. No. 869—To authorize the Trustees of Garrettsville township, Portage county, Ohio, to levy a tax for certain purposes therein named, having had the same under consideration, report it back and recommend its passage.

W. R. Warnock, R. E. Reese,
J. R. Johnston, Geo. W. Andrews,
Wm. W. Beatty.

The bill was ordered to be read the third time to-morrow.

Mr. Burress submitted the following report:

The standing committee on Railroads and Telegraphs, to whom was referred H. B. No. 753—To authorize railway companies to issue preferred stock, having had the same under consideration, report it back with the following amendmenst, and recommend its passage when so amended:

Section 1, line 4, after the word "State" insert the words "for the purpose of constructing a railway having a gauge not exceeding three feet."

Section 2, lines 6 and 7, strike out the words "on which no installment shall be due and unpaid," and substitute the words "on which the subscriber or owner shall be entitled to vote."

Section 3, line 11, between the words "forth" and "resolution" strike out the words "in the" and insert in lieu thereof the words "in section 1 of this act and by."

E. T. Stickney, J. H. Bates,
T. P. Brown, N. P. Burress,
M. Kent.

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Johnston submitted the following report:

The standing committee on Mines and Mining, to whom was referred H. B. No. 456—To establish a school of mines and mine engineering in the Ohio Agricultural and Mechanical College, having had the same under consideration, report it back and recommend its passage.

J. R. Johnston, J. R. Philson,
E. C. Lewis, I. T. Monahan,
E. F. Kleinschmidt.

The bill was ordered to be read the third time to-morrow.

Mr. Schenck submitted the following report:

The standing committee on Benevolent Institutions, to whom was referred H. B. No. 859—To amend an act to amend an act entitled an act further to provide for the government of Longview Asylum, and amendatory and supplementary to the act entitled an act to constitute the county of Hamilton a separate district for lunatic asylum purposes, and to provide for the erection and government of an asylum therein, passed April 16, 1867 (vol. 64, p. 246), having had the same under consideration, report it back and recommend its passage.

J. C. Schenck, E. C. Lewis,
J. K. Rukenbrod, J. R. Philson,
H. V. Kerr.

The bill was ordered to be read the third time to-morrow.

Mr. Kerr submitted the following report:

The standing committee on Public Printing, to whom was referred S. J. R. No. 59—Providing for the printing of eighteen hundred copies of the report of the State Commissioner of Common Schools for the year 1876 in the German language, having had the same under consideration, report it back without recommendation.

H. V. Kerr, C. J. Swan,
Wm. W. Beatty, J. K. Rukenbrod.

The further consideration of the resolution was postponed until to-morrow.

Mr. Beatty submitted the following report:

The standing committee on Public Printing, to whom was referred H. B. No. 889—To provide for the publication of legal advertisements, having had the same under consideration, report it back and recommend its passage.

Wm. W. Beatty, H. V. Kerr,
J. K. Rukenbrod, Samuel Knox,
C. J. Swan.

The bill was ordered to be read the third time to-morrow.

Mr. Swan submitted the following report:

The select committee of two to whom was referred H. B. No. 918—To authorize the town council of the incorporated village of Findlay, Hancock county, Ohio, to purchase a steam fire engine, and to issue bonds to pay for the same, having had the same under consideration, report it back and recommend its passage.

C. J. Swan, T. P. Brown.

The bill was ordered to be read the third time to-morrow.

Mr. Kleinschmidt submitted the following report:

The select committee of four, to whom was referred H. B. No. 804—To amend section 1 of an act entitled an act to authorize cities of the first class having a population of over one hundred and fifty thousand inhabitants to pay certain claims, passed April 11, 1876 (O. L., vol. 76, p. 214) having had the same under consideration, report it back and recommend its passage.

E. F. Kleinschmidt, E. P. Ransom,
H. Kessler, J. H. Bates.

The bill was ordered to be read the third time to-morrow.

Mr. Johnston submitted the following report:

The standing committee on Privileges and Elections, to whom was referred H. B. No. 912—To enable the Trustees of Marion township, Franklin county, Ohio, to establish a voting place for said township in the city of Columbus, having had the same under consideration, report it back, with the following amendment, and recommend its passage when so amended:

In line 7 of section 1 strike out the word "points" and insert the word "place" in lieu thereof."

J. H. Bates, J. B. Williams,
R. E. Reese, J. R. Johnston,

The amendments were agreed to and ordered to be engrossed.

The bill was ordered to be read the third time to-morrow.

Mr. Owens moved that the constitutional rule requiring bills to be read on three different days be dispensed with and H. B. No. 707 be read the second time.

On which motion the yeas and nays were taken and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Ellis, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—28.

So the rule was dispensed with.

The bill was read the second time and referred to a select committee of one—Mr. Burns.

On motion of Mr. Kessler, the Senate adjourned until 9 o'clock A. M. to-morrow.

Attest: J. C. DONALDSON, *Clerk.*

SATURDAY, MAY 5, 1877—9 o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

Mr. Rukenbrod, on leave, offered the following resolution:

S. R. No. 72—WHEREAS, The penitentiary of the State is at present greatly over-crowded, many of the county jails also filled beyond their capacity, and others totally unfit for use, and

WHEREAS, Vagrancy and crime prevail in many communities for want of proper places and methods of punishment, indicating a demand, if not a defect, in the prison system of the State, therefore

Be it Resolved by the General Assembly of the State of Ohio, That the subject of necessary reforms in the prison system of the State be especially commended to the attention of the Board of State Charities, and that the said Board be directed to examine into the practicability of district prisons, or work houses, under control of the State, for punishment of misdemeanors and minor offenses, and report plans therefor to the next General Assembly.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Kent, Kessler, Knox, Monahan, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stokes and Warnock—21.

So the resolution was adopted.

Mr. Ellis moved that the vote whereby H. B. No. 820—To provide for the purchase of books for the use of common schools, was lost, be reconsidered.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 13, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Bates, Beatty, Burns, Burrows, Ellis, Kessler, Knox, Owens, Philson, Rukenbrod, Spangler and Warnock—13.

Those who voted in the negative were—

Messrs. Andrews, Brown of Lucas, Curtiss, Haines, Schenck and Swan—6.

So the motion was agreed to.

Mr. Monahan moved that the bill be laid on the table.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 11, nays 12, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Brown of Lucas, Curtiss, Kent, Kessler, Kleinschmidt, Monahan, Sheridan, Stickney and Swan—11

Those who voted in the negative were—

Messrs. Bates, Beatty, Burrows, Ellis, Haines, Johnston, Knox, Philson, Ransom, Rukenbrod, Spangler and Warnock—12

So the motion was disagreed to.

Mr. Warnock moved that a message be sent to the House of Representatives, asking the return of the bill.

Which was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 409—Mr. Schenck—To authorize the trustees of the village of West Cleveland, Ohio, to issue bonds to the amount of eight thousand dollars.

With the following amendments, in which the concurrence of the Senate is requested:

Insert at the end of section one as follows: "That before the issuing of said bonds, the question of issue shall be submitted to a vote of the qualified electors of said village, at a general or special election, ten days notice of which election shall have been given by posting written or printed notices in at least five public places in said village; and if a majority of the electors voting at such election, on said question, shall vote in favor of said issue of bonds, then, and not otherwise, shall said bonds be issued."

Amend title by striking out words "water works."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken, and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burress, Curtiss, Ellis, Haines, Johnston, Kent, Kessler, Kleinschmidt, Knox, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—27.

So the amendments were concurred in.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives requests the return of—

S. B. No. 342—Mr. Bates—To amend section five of an act entitled "An act for the assessment and taxation of property in this State, and

for levying taxes thereon according to its true value in money," passed May 8, 1868.

Attest: WM. LEONARD, *Clerk.*

The request of the House of Representatives was acceded to, and a message sent to that body returning said bill.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

Tne House of Representatives has concurred in the passage of—

S. B. No. 421—Mr. Brown of Lucas—To authorize the city council of the city of South Toledo to issue bonds and borrow money for completing a certain road therein named.

With the following amendments, in which the concurrence of the Senate is requested:

At the end of section 2, add: *Provided*, That before the issue of such bonds, the question of their issue shall be submitted to the qualified electors of said village, at a regular or special election, ten days notice of which shall have been given by posting notices in writing in five public places in said city; and if a majority of the votes cast shall be in favor of said issue of bonds, then said council shall be authorized to issue them, as hereinbefore provided."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault. Bates, Brown of Lucas, Burress, Curtiss, Ellis, Haines, Kent, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan and Warnock—25.

So the amendments were concurred in.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives requests the return of—

S. B. No. 243—Mr. Stanton—To fix the rate of legal advertising, and to repeal a certain act therein named.

Attest: WM. LEONARD, *Clerk.*

The request of the House of Representatives was acceded to, a message sent to that body, returning said bill, and asking for a committee of conference on the matters of difference between the two Houses on said bill.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 399—Mr. Kessler—To authorize the incorporated village of Clifton, Hamilton county, to issue bonds and levy a tax for the purpose of laying water pipes.

With the following amendments, in which the concurrence of the Senate is requested:

At end of section 2, add: "*Provided*, That the question of issuing said bonds shall first be submitted to the votes of the qualified electors of said village, at some general or special election, held in said village, ten days notice whereof shall have been given by posting written notices in five public places in said village; and if a majority of the votes cast at said election shall be in favor of issuing said bonds, the council shall have the authority to issue the same as hereinbefore provided."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Curtiss, Ellis, Haines, Kerr, Kleinschmidt, Knox, Monahan, Owens, Philson, Schenck, Sheridan, Stickney, Stokes, Swan, Warnock and Williams—21.

So the amendments were concurred in.

Mr. Beatty submitted the following report:

The standing committee on Revision has examined and found correctly engrossed S. B. No. 379, and H. Bs. No.'s 572, 753, 912 and 905.

WM. W. BEATTY, J. C. SCHENCK,
H. V. KERR.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the report of the committee of conference on matters of difference between the two Houses on—

S. B. No. 356—Mr. Andrews—To amend an act entitled "An act to amend an act entitled an act amendatory to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, passed April 18, 1856, passed April 14, 1870, passed March 15, 1875 (p. 55, Laws, of Ohio, 1875).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 397—Mr. Schenck—To authorize the creation of a special school district in East Cleveland township, Cuyahoga county, Ohio.

With the following amendments, in which the concurrence of the Senate is requested:

Strike out all of section 1 after the word "however," in line 4, and insert the following:

"That at least one-third of the electors residing within said township shall vote in favor of said special school district at the general election to be held on the second Tuesday of October, 1877."

Strike out all of section 2 to the letters "P. M." inclusive in line 8, and insert:

"SEC. 2. Written notices shall be posted in six of the most public

places in said township, requesting the qualified electors thereof to vote for or against the creation of said special school district."

Strike out in line 1 of section 3, the words "a majority," and insert the words "one-third or more."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendments, the yeas and nays were taken, and resulted—yeas 13, nays 13, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Beatty, Brown of Lucas, Burress, Curtiss, Ellis, Haines, Kent, Kleinschmidt, Philson, Schenck, Stokes and Warnock—13.

Those who voted in the negative were—

Messrs. Andrews, Bates, Brown of Ross, Burns, Burrows, Johnston, Kerr, Knox, Miller, Monahan, Stanton, Stickney and Swan—13.

So the Senate refused to concur in said amendments.

Mr. Knox moved that the vote be reconsidered.

Which was agreed to.

Mr. Knox moved to amend said amendments as follows:

Strike out the words "one-third" in third amendment and insert "a majority."

Which was agreed to.

The question being on concurring in said amendments as amended, the yeas and nays were taken and resulted—yeas 20, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Curtiss, Ellis, Johnston, Kent, Kerr, Kleinschmidt, Miller, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Stickney, Stokes, Swan and Warnock—20.

Mr. Monahan voted in the negative—1

So the amendments were concurred in.

Mr. Brown of Lucas moved that the vote whereby H. B. No. 670—To facilitate the administration of justice in Lucas county, Ohio, was lost, be reconsidered.

On which motion the yeas and nays were demanded, taken, and resulted, yeas 26, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burress, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Miller, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes Swan and Williams—26.

Those who voted in the negative were—

Messrs. Burns, Burrows, Knox, Stanton and Warnock—5.

So the vote was reconsidered.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 22, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Burress, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Miller, Monahan, Owens, Reese, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan and Williams—22.

Those who voted in the negative were—

Messrs. Brown of Ross, Burns, Burrows, Knox, Rukenbrod and Stanton—6

So the bill was lost.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 62—Mr. Bates—Asking Congress to make appropriations for the improvement of rivers and harbors in the Mississippi valley.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has indefinitely postponed—

S. B. No. 370—Mr. Andrews—Supplementary to the several acts prescribing the powers and duties of notaries public.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 71—Mr. Knox—Fixing the time for final adjournment.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has receeded from its request for the return of—

S. B. No. 243—Mr. Stanton—To fix the rate of legal advertising and to repeal a certain act named therein.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has indefinitely postponed the following bills:

S. B. No. 299—Mr. Rukenbrod—To amend section 8 of an act entitled "An act to prevent cruelty to animals, and to provide for the organization of associations or societies for the prevention of cruelty to animals," and to repeal certain acts herein named.

S. B. No. 345—Mr. Rukenbrod—To amend section 2, of an act entitled "An act to amend an act entitled 'an act for the protection of railroads,'" passed March 20, 1849, passed March 6, 1845, (S. & C., vol. 1, p. 420).

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in the passage of—

S. B. No. 237—Mr. Hudson—To secure the wages of labor.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 420—Mr. Andrews—To create a special school district composed of sections 7 and 18 in Spencer township, and sections 8 and 17, in Amada township, in Allen county.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in the passage of the following bills:

S. B. No. 323—Mr. Bates—To amend section 53 of the code of civil procedure, (S. & C., p. 960).

S. B. No. 342—Mr. Bates—To amend section 5, of act to amend an act entitled "An act for the assessment and taxation of property in this State, and for levying taxes thereon according to its true value in money," passed May 8, 1868.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 118—Mr. Converse—Relative to republishing the amendment to the constitution adopted on the second Tuesday of October, 1875.

Attest: WM. LEONARD, *Clerk.*

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Burns, Burress, Curtiss, Ellis, Haines, Johnston, Kent, Knox, Miller, Monahan, Philson, Ransom, Rukenbrod, Sheridan, Spangler, Stokes, Swan and Warnock—22.

So the resolution was adopted.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has indefinitely postponed—

S. B. No. 369—Mr. Andrews—To create a Special School District in sub-district number four, of Marion township, Mercer county, Ohio.

S. B. No. 246—Mr. Owens—To exempt personal earnings from application to the payment of debts in certain cases.

S. J. R. No. 58—Mr. Curtiss—Relative to amendments to the constitution.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to the following bills:

H. B. No. 891—Committee on Finance—For enlarging the gas works to the Asylum for Idiotic Youth.

H. B. No. 304—Mr. Bogardus—For the better protection of policy holders in life insurance companies.

H. B. No. 866—Mr. Messer—To limit taxation in certain counties in this State.

H. B. No. 654—Mr. Kemp—To amend section nine of an act entitled "An act to amend sections 24, 29, 39, 40, 41, 42, 44 and 45 of an act entitled an act for the assessment and taxation of property in this State, and for levying taxes thereon according to its true value in money, as amended April 7, 1863," passed and took effect May 8, 1868.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 862—Mr. Converse—To punish offenses on street railroad cars.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 295—Mr. Ransom—To regulate the letting of contracts for the doing of public work, and the better protection of mechanics.

Attest: WM. LEONARD, *Clerk*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 531—Mr. Hodge—To further provide for the taking of security by Justices of the Peace and ministerial officers.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

Mr. Bates moved that the constitutional rule requiring bills to be read on three different days be dispensed with, and said bill be read the second time.

On which motion the yeas and nays were taken and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross,

Burns, Curtiss, Ellis, Haines, Kerr, Kleinschmidt, Knox, Miller, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Williams—24.

So the motion was disagreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the passage of—

S. B. No. 336—Mr. Monahan—To authorize the Commissioners of Jackson county to lease part of the public square in the incorporated village of Jackson, for certain purposes,

With the following amendment, in which the concurrence of the Senate is requested:

In line three, strike out all after the word "less" to the word "and," in line four, and insert the words "fifty-two feet or less, off of the northeast end of the public square, commencing at the corner of Main and Broadway streets, fronting fifty-two feet or less on Main street and Broadway."

Attest: WM. LEONARD, *Clerk.*

The question being on concurring in said amendment, the yeas and nays were taken and resulted—yeas 21, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burress, Curtiss, Haines, Kerr, Kleinschmidt, Knox, Miller, Monahan, Owens, Philson, Ransom, Rukenbrod, Sheridan, Spangler, Stickney and Swan—21.

So the amendments were concurred in.

H. B. No. 379—Relating to dams for hydraulic purposes.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 16, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Ellis, Haines, Kent, Kerr, Knox, Miller, Monahan, Owens, Reese, Sheridan, Stickney, Stokes and Williams—16.

Those who voted in the negative were—

Messrs. Kessler, Kleinschmidt, Philson, Rukenbrod, Swan and Warnock—6.

So the bill was lost.

H. B. No. 915—To authorize the Commissioners of Athens county to pay certain indebtedness.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 21, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Burress, Curtiss, Ellis, Haines, Kent, Kerr, Knox, Miller, Owens, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stokes and Swan—21.

Those who voted in the negative were—

Messrs. Burrows, Johnston, Kessler, Kleinschmidt, Monahan, Sheridan and Stickney—7.

So the bill passed. The title was agreed to.

H. B. No. 753—To authorize railway companies to issue preferred stock.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 23, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Burns, Burress, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Miller, Owens, Ransom, Reese, Schenck, Sheridan, Spangler, Stokes and Williams—23.

Those who voted in the negative were—

Messrs. Stanton, Stickney and Warnock—3.

So the bill passed. The title was agreed to.

H. B. No. 918—To authorize the Town Council of the incorporated village of Findlay, Hancock county, Ohio, to purchase a steam fire engine, and to issue bonds to pay for the same.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Brown of Ross, Burns, Burress, Burrows, Curtiss, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Miller, Owens, Philson, Ransom, Reese, Schenck, Sheridan, Stickney, Stokes, Swan and Williams—27.

So the bill passed. The title was agreed to.

H. B. No. 887—To authorize the Commissioners of Pickaway county, Ohio, to use from the bridge fund of said county any sum not exceeding three thousand dollars for road purposes therein.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Miller, Philson, Ransom, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—27.

So the bill passed. The title was agreed to.

H. B. No. 765—To repeal section six of an act entitled an act supplementary to an act entitled an act for the assessment and taxation of property in this State, and for levying taxes therein, according to its true value in money, passed aud took effect May 1, 1862.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Miller, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—28.

So the bill passed. The title was agreed to.

H. B. No. 873—For the relief of J. D. Phillips, treasurer of Hicksville special school district.

Was read the third time.

Mr. Andrews moved that the bill be referred to a select committee of one, with instructions to amend as follows:

Strike out of line three, section two, the words "a majority" and insert "two thirds."

Which was agreed to.

Mr. Andrews was appointed such select committee.

Mr. Andrews, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 873, with instructions to amend, reports the same back amended as instructed.

GEO. W. ANDREWS.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault,Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Knox, Miller, Philson, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, and Williams—23.

So the bill passed. The title was agreed to.

H. B. No. 905—Appropriating money to pay for transcribing certain muster rolls of the Ohio volunteers into permanent record books, and for obtaining information in regard to Union soldiers' graves and providing for suitable headstones.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kleinschmidt, Knox, Miller, Monahan, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney and Williams—26.

So the bill passed. The title was agreed to.

H. B. No. 813—To authorize the Board of Public Works to enlarge a culvert under the Ohio canal, known as Williams' culvert, on the Millport level, in Pickaway county.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 21, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Haines, Johnston, Kent, Kerr, Kessler, Knox, Miller, Monahan, Owens, Ransom, Rukenbrod, Sheridan, Spangler, Stickney, Stokes and Williams —21.

Those who voted in the negative were—

Messrs. Burrows and Curtiss—2.

So the bill passed. The title was agreed to.

H. B. No. 571—To amend section 8 of an act entitled an act to provide for the proof, acknowledgment and recording of deeds and other instruments of writing, passed February 22, 1831, (S. & C., p. 467).

Was read the third time.

Mr. Rukenbrod moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In line five, section eight, strike out the word "thirty" and insert the word "ninety."

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 5, nays 19, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Kessler, Kleinschmidt, Ransom and Schenck—5.

Those who voted in the negative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Burrows, Ellis, Haines, Johnston, Knox, Monahan, Reese, Rukenbrod, Sheridan, Spangler, Stanton, Stickney, Stokes and Williams—19.

So the bill was lost.

H. B. No. 908—To authorize the council of the incorporated village of Medina, to purchase a fire engine and provide to pay for the same.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kessler, Kleinschmidt, Knox, Monahan, Ransom, Reese, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes, Warnock and Williams—24.

So the bill passed. The title was agreed to.

H. B. No. 890—To authorize the council of the incorporated village of Marysville, Union county, Ohio, to purchase or condemn grounds for a cemetery and to levy a tax, issue bonds and borrow money to pay therefor.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Ross, Burns, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kessler, Kleinschmidt, Knox, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Warnock and Williams—26.

So the bill passed. The title was agreed to.

On motion of Mr. Haines, the Senate took a recess until 2 o'clock P. M.

TWO O'CLOCK P. M.

H. B. No. 734—To amend section three of an act entitled an act to provide for the safety of persons attending public assemblies, passed April 13, 1865. (S. & S. page 636.)

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 14, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Rukenbrod, Schenck, Spangler, Stanton and Warnock—14.

Those who voted in the negative were—

Messrs. Andrews, Ault, Brown of Lucas, Burress, Haines and Reese—6.

So the bill was lost.

On motion of Mr. Kleinschmidt, said vote was reconsidered, and the bill was laid on the table.

H. B. No. 758—To amend section 1 of an act to authorize county commissioners to locate and construct turnpike roads, passed April 30, 1869, (Ohio Laws, volume 66, page 62).

Was read the third time.

Mr. Johnston moved that the bill be referred to a select committee of one with instructions to amend as follows:

Strike out section two, three and four, and substitute the following:

SECTION 2. That section one of said act be and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage.

Which was agreed to.

Mr. Johnston was appointed such select committee.

Mr. Johnston, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 758, with instructions to amend, reports the same back amended as instructed.

J. R. JOHNSTON.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 19, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Curtiss, Ellis, Haines, Johnston, Kerr, Knox, Monahan, Philson, Reese, Spangler, Stickney, Stokes, Warnock and Williams—19.

Those who voted in the negative were—

Messrs. Kent, Kessler and Kleinschmidt—3.

So the bill passed. The title was agreed to.

H. B. No. 258—To provide a warehouse, create the office of "Inspector of leaf tobacco," and regulate the inspection of tobacco.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 28, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Burns, Curtiss, Ellis, Haines, Kent, Kerr, Kleinschmidt, Knox, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—28.

Mr. Johnston voted in the negative—1.

So the bill passed. The title was agreed.

H. B. No. 512—To secure to laborers their wages.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 10, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Brown of Lucas, Burrows, Curtiss, Haines, Monahan, Philson, Reese, Rukenbrod, Schenck and Stokes—10.

Those who voted in the negative were—

Messrs. Bates, Johnston, Miller, Owens, Spangler and Swan—6.

So the bill was lost.

The following communication was received from the Governor:

MESSAGE FROM THE GOVERNOR.

STATE OF OHIO, EXECUTIVE DEPARTMENT.

COLUMBUS, 5TH DAY OF MAY, 1877.

To the Senate:

I have the honor to nominate, and by and with the advise and consent

of the Senate, appoint William M. Garvey of Miami county, to be Trustee of the "Reform and Industrial School for Girls," for the term of five years from and after May 14, 1877.

Very Respectfully,

THOS. L. YOUNG, *Governor.*

The question being on consenting to said appointment, the yeas and nays were taken and resulted, yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Burns, Burrows, Curtiss, Ellis, Johnston, Kent, Kessler, Kleinschmidt, Knox, Miller, Monahan, Owens, Philson, Reese, Rukenbrod, Schenck, Stickney, Stokes, Swan and Warnock—24.

So the Senate advised and consented to said appointment.

Mr. Brown of Lucas submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled, the following bills:

H. B. No. 883—For the relief of Hiram W. Donley, treasurer of Turtle Creek township, Warren county, Ohio.

H. B. No. 304—For the better protection of policy holders in life insurance companies.

H. B. No. 851—To amend section thirty-four of an act to provide for the creation and regulation of incorporated companies in the State of Ohio, (Swan & Critchfield, page 295.)

H. B. No. 866—To limit taxation in certain counties in this State.

H. B. No. 827—To authorize the village council of Clarksville, Clinton county, Ohio, to levy a tax for the relief of G. W. Garrison and Ezekiel Cast.

H. B. No. 822—For the relief of the Mercer County Agricultural Society.

H. B. No. 98—For the protection of wool growers and confiscation of dogs.

H. B. No. 838—To authorize the Trustees of Brecksville township, Cuyahoga county, to levy a tax for certain purposes therein mentioned.

H. B. No. 891—For enlarging the gas works at the Asylum for Idiotic Youth, and for rebuilding bridge at Cleveland Hospital for the Insane.

E. L. LYBARGER, ASA TOBEREN,
THOS. S. LUCCOCK, C. J. SWAN,
T. P. BROWN.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 304—Mr. Bogardus—For the better protection of policy holders in life insurance companies.

H. B. No. 851—Mr. Sorter—To amend section 34 of an act to provide for the creation and regulation of incorporated companies in the State of Ohio (S. & C., p. 295).

H. B. No. 822—Mr. Raudabaugh—For the relief of the Mercer County Agricultural Society.

H. B. No. 838—Mr. Breck—To authorize the Trustees of Brecksville

township, Cuyahoga county, to levy a tax for certain purposes mentioned therein.

H. B. No. 827—Mr. Quinby—To authorize the village council of Clarksville, Clinton county, Ohio, to levy a tax for the relief of G. W. Garrison and Ezekiel Cast.

H. B. No. 98—Mr. Barrett—For the protection of wool growers, and the confiscation of dogs.

H. B. No. 883—Mr. Wales—For the relief of Hiram W. Donley, treasurer of Turtle creek township, Warren county, Ohio.

H. B. No. 866—Mr. Messer—To limit taxation in certain counties in this State.

H. B. No. 577—Mr. Meuser—For the relief of Ellis Davis and the sureties on his official bond.

H. B. No. 499—Mr. Neal—To authorize the City Council of the city of Hamilton to transfer certain funds.

H. B. No. 891—Finance Committee—For enlarging the gas works at the Asylum for Idiotic Youth, and for rebuilding bridge at Cleveland Hospital for the Insane.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills.

H. B. No. 869—To authorize the Trustees of Garrettsville township, Portage county, Ohio, to levy a tax for certain purposes therein named.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 22, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Miller, Owens, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stickney, Stokes, Warnock and Williams—22.

So the bill passed. The title was agreed to.

H. B. No. 456—To establish and maintain a school of mines and mine engineering in the Ohio Agricultural and Mechanical College.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 27, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Curtiss, Ellis, Haines, Johnston, Kent, Kessler, Kleinschmidt, Knox, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Sheridan, Spangler, Stickney, Stokes, Swan, Warnock and Williams—27.

Mr. Burrows voted in the negative—1.

So the bill passed. The title was agreed to.

H. B. No. 859—Mr. Wiltsee—To amend an act to amend an act entitled "An act further to provide for the government of Longview asylum, and amendatory and supplementary to the act entitled "An act to constitute the county of Hamilton a separate district for lunatic asylum purposes, and to provide for the erection and government of an asylum therein,'" passed April 16, 1867, (Volume 64, page 246).

Was read the third time.

Mr. Kessler moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section 1, line 1,0 strike out "6" and insert "7."

In line 12, strike out "3" and insert "4."

Line 19, after the word "three" add "one for four years."

Which was disagreed to.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 16, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Bates, Brown of Ross, Burns, Burrows, Curtiss, Kent, Kessler, Kleinschmidt, Knox, Philson, Ransom, Rukenbrod, Schenck, Spangler, Stanton and Warnock—16.

Those who voted in the negative were—

Messrs. Andrews, Brown of Lucas, Ellis, Haines, Miller, Monahan, Owens, Reese, Sheridan, Stickney and Williams—11.

So the bill was lost.

On motion of Mr. Bates said vote was reconsidered.

The bill was laid on the table.

Mr. Brown of Lucas, submitted the following report:

The joint committee on Enrollment, have examined, and found correctly enrolled, the following bills:

H. B. No. 876—Mr. Hitchcock—To consolidate, revise and amend the statutes relating to jails and the penitentiary, to be known as part two, title three, jails and the penitentiary.

H. B. No. 766—Mr. Quinby—To amend, revise and consolidate the statutes relating to criminal procedure, and to repeal certain acts.

H. B. No. 607—Mr. Quinby—To amend, revise and consolidate the statutes relating to crimes and offenses, and to repeal certain acts therein named, to be known as title one, crimes and offenses, part four, of the act to revise and consolidate the general statutes of Ohio.

E. L. Lybarger, E. C. Lewis,
J. W. Washburn, T. P. Brown,
Asa Toberen, C. J. Swan,
Thos. S. Luccock.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 876—Mr. Hitchcock—To consolidate, revise and amend the statutes relating to jails and the penitentiary, to be known as part two, title three, jails and the penitentiary.

H. B. No. 766—Mr. Quinby—To amend, revise and consolidate the statutes relating to criminal procedure, and to repeal certain acts.

H. B. No. 607—Mr. Quinby—To amend, revise and consolidate the statutes relating to crimes and offenses, and to repeal certain acts therein named, to be known as title one, crimes and offenses, part four, of the act to revise and consolidate the general statutes of Ohio.

Attest: Wm. Leonard, *Clerk.*

The President, in the presence of the Senate, signed said bills.

H. B. No. 889—To provide for the publication of legal advertisements.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 27, nays 2, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Curtiss, Ellis. Haines, Johnston, Kent, Kerr, Kleinschmidt, Knox, Miller, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan and Warnock—27.

Messrs. Kessler and Stanton voted in the negative—2.

So the bill passed. The title was agreed to.

H. B. No. 804—To amend section one of an act entitled "An act to authorize cities of the first class, having a population of more than one hundred and fifty thousand inhabitants, to pay certain claims," passed April 11, 1876, (O. L., vol. 73, p. 214).

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 23, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Johnston, Kent, Kessler, Kleinschmidt, Knox, Miller, Monahan, Owens, Ransom, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Warnock and Williams—23.

Messrs. Ault, Sheridan and Stokes voted in the negative—3.

So the bill passed. The title was agreed to.

H. B. No. 912—To enable the trustees of Marion township, Franklin county, Ohio, to establish a voting place for said township in the city of Columbus.

Was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 21, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Miller, Monahan, Owens, Ransom, Reese, Schenck, Sheridan, Spangler, Stokes, Warnock and Williams—21.

Mr. Kessler voted in the negative—1.

So the bill passed. The title was agreed to.

Mr. Rukenbrod submitted the following report:

The standing committee on Penitentiary, to whom was referred H. B. No. 763—To amend section one of an act entitled an act providing for the erection of new buildings at the Ohio Penitentiary, and making partial appropriations for said institution for the year 1875—having had the same under consideration, report it back without recommendation.

J. K. Rukenbrod, R. Stanton,
H. W. Curtiss, Elias Ellis,
A. R. Haines.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 25, nays 1, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Burrows, Curtiss, Ellis, Haines, Kent, Kessler, Kleinschmidt, Knox, Owens, Philson, Ransom, Reese, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Warnock—25.

Mr. Johnston voted in the negative—1.

So the bill passed. The title was agreed to.

Mr. Owens submitted the following report:

The standing committee on Municipal Corporations, to whom was referred H. B. No. 700—To allow certain cities of the second class to purchase or erect gas works—having had the same under consideration, report it back with following amendments, and recommend its passage when so amended:

Strike out all of section one, after the word "empowered," in line four of said section, and insert in lieu thereof the following:

Through its said City Council, at any time within the period of one year previous to the expiration of the then existing contract for the furnishing of the city and citizens thereof with gas, to enter into a new contract with any good and responsible corporation, party or parties, including the existing company, for furnishing the city and citizens with gas for a term of years not exceeding ten; said contract to take effect and be in full force at and after the expiration of the contract in force at the time the new contract was made. *Provided*, that at the time a new contract is made, previous to the expiration of a contract in force, the price per one thousand cubic feet of gas shall be less than the price charged for the same number of feet under the contract now in force.

Strike out all of section two and insert in lieu thereof the following:

SEC. 2. Before proceeding to make said contract, the City Council of such city shall, by ordinance or resolution, determine that said new contract is expedient and necessary for the interests of said city; and shall, by ordinance or resolution, provide for the making of said new contract, by advertising for proposals for the furnishing of gas, in two newspapers of general circulation, published in said city, and in such other newspapers as may be deemed expedient by Council, for the period of sixty days.

Council may reserve the right to reject any or all bids, provided, however, that when any such contract is made, it shall be made with the corporation, individual or individuals who shall bid to furnish gas as aforesaid for the lowest price, and will give good and sufficient bond for the performance thereof; bids to be received only from good and responsible parties, and accompanied by a bond for the faithful performance of the same; and should Council deem it for the best interests of the city so to do, they may enter into said contract.

Strike out sections 3, 4, 5 and 6, and renumber section 7 as section 3.

A. M. BURNS, J. C. SCHENCK,
T. P. BROWN, H. KESSLER,
JAMES W. OWENS, WM. MILLER,
R. E. REESE.

The amendments were agreed to and ordered to be engrossed at the Clerk's desk.

The bill was ordered to be read the third time.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas, 24, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines, Kerr, Kessler, Miller, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes and Williams—24.

Those who voted in the negative were—

Messrs. Bates, Ellis, Johnston, Kleinschmidt and Swan—5.

So the bill passed.

The title was amended so as to read as follows:

To permit certain cities to make a new contract for furnishing gas.

Mr. Swan, on leave, offered the following resolution:

S. J. R. No. 73—*Resolved by the General Assembly of the State of Ohio*, That there be allowed and paid to Edward L. Jones, Sergeant-at-Arms of the Senate, the sum of one hundred dollars, as and for extra compensation for labor performed during adjournment.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 31, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Williams—31.

So the resolution was adopted.

On motion of Mr. Burrows the Senate took a recess until 7½ o'clock P. M.

HALF-PAST SEVEN O'CLOCK P. M.

On motion of Mr. Knox H. B. No. 682—To authorize the building of a public hall in Milford precinct of Miami township, Clermont county, Ohio.

Was taken from the table.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 24, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Burns, Burrows, Curtiss, Johnston, Kent, Kerr, Kessler, Knox, Miller, Monahan, Philson, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes and Swan—24.

So the bill passed. The title was agreed to.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled, the following bills:

H. B. No. 664—Mr. McLain—Making appropriations for the fiscal year 1877, and the first quarter of the fiscal year 1878.

H. B. No. 753—To authorize roailroad companies to issue preferred stock.

H. B. No. 839—To authorize the board of education of the incorporated village of Williamsport, Pickaway county, Ohio, &c., &c.

J. W. Washburn, Asa Toberen,
Thos. S. Luccock, E. L. Lybarger,
T. P. Brown, C. J. Swan.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bill:

H. B. No. 664—Mr. McLain—Making appropriations for the fiscal year 1877, and the first quarter of the fiscal year 1878.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bill.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 753—Mr. Wales—To authorize railway companies to issue preferred stock.

H. B. No. 839—Mr. Krimmel—To authorize the board of education of the incorporated village of Williamsport, Pickaway county, Ohio, and territory annexed for school purposes, to borrow money and levy a tax to pay certain indebtedness.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives accedes to the request of the Senate for the return of—

H. B. No. 808—Mr. Ullery—To amend section 51 of the act passed May 7, 1869, entitled "An act to provide for the organization and government of municipal corporations," (66 vol. 149); section 491 of the same act, as amended April 18, 1870, (67 vol. 78); and section 493 of the said original act.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bills have been introduced in the House of Representatives and read the first time:

H. B. No. 919—Mr. Stone—Authorizing the commissioners of Gallia county to build a court house and issue bonds therefor.

H. B. No. 920—Mr. Howland—To authorize the board of public works to ascertain the location of and sell about 200 acres of land belonging to the State and located in Union county.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has concurred in Senate amendments to the following bills:

H. B. No. 897—Mr Hodge—Supplementary to the act entitled "An act relating to Juries," passed April 26, 1873; also, an act entitled an act

to amend section 2 of the act entitled an act relating to juries, passed April 26, 1873, passed March 9, 1876, also, the act entitled an act to regulate the fees of Probate Judges, Clerks of the courts, Sheriffs, witnesses, jurors' fees in partitions, and to repeal certain acts therein named," passed April 8, 1876.

H. B. No. 728—Mr. Duncan—Supplementary to the act entitled "An act to amend sections 2, 4, and 24 of an act entitled 'An act to preserve the purity of elections.'"

Attest: WM. LEONARD, *Clerk*.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 753—Mr. Wales—To authorize railway companies to issue preferred stock.

Attest: WM. LEONARD, *Clerk*.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 219—Mr. Bard—To amend section 2 of an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869; passed February 10, 1870, (Ohio Laws, volume 67, page 7); and to repeal an act to extend the provisions of said act of February 10, 1870, passed March 30, 1874, (Ohio Laws, volume 71, page 49).

Attest: WM. LEONARD, *Clerk*.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The following bill has been introduced in the House of Representatives and read the first time:

H. B. No. 921—Mr. Williams—To repeal an act entitled "An act creating a special school district in Sandusky township, Richland county, Ohio," passed May 2, 1877.

Attest: WM. LEONARD, *Clerk*.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 72—Mr. Rukenbrod—Directing the board of State charities to examine into the systems of prison and work house reforms and report thereon to the next General Assembly.

Attest: WM. LEONARD, *Clerk*.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 921—Mr. Williams—To repeal an act entitled "An act creating a special school district in Sandusky township, Richland county, Ohio, passed May 2, 1877.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time.

Mr. Burns moved that the constitutional rule requiring bills to be read on three different days be dispensed with, and said bill be read the second time.

On which motion the yeas and nays were taken and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Swan and Williams —29.

So the rule was suspended.

The bill was read the second time.

On motion of Mr. Burns, said rule was again dispensed with, and the bill read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Williams—29.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to House amendments to—

S. B. No. 397—Mr. Schenck—To authorize the creation of a special school district in East Cleveland township, Cuyahoga county, Ohio.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution in which the concurrence of the Senate is requested:

H. J. R. No. 102—Mr. Converse—Providing for the printing of the report of the Board of Centennial Managers for Ohio, in the German language.

Attest: WM. LEONARD, *Clerk.*

The resolution was laid on the table.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives accedes to the request of the Senate for the return of—

H. B. No. 820—Mr. Perkins—To provide for the purchase of books for the use of common shools.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has adopted the following joint resolution in which the concurrence of the Senate is requested:

H. J. R. No. 121—Mr. Hitchcock—Providing for the renumbering of certain laws.

Attest: WM. LEONARD, *Clerk.*

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 25, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Burrows, Curtiss, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Owens, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan and Williams—25.

So the resolution was adopted.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 711—Mr. Rambo—To change the sub-division of the eighth judicial district, and to provide for the election of one additional Judge of the Court of Common Pleas therein.

Attest: WM. LEONARD, *Clerk.*

Said bill was read the first time and laid on the table.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bills, in which the concurrence of the Senate is requested:

H. B. No. 920—Mr. Howland—To authorize the board of public works to ascertain the location of, and sell about two hundred acres of land belonging to the State, situate in Union county.

H. B. No. 842—Mr. Guthrie—To amend section 141 of an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869, as amended April 16, 1874, (p. 76, O. L., vol. 71).

Attest: WM. LEONARD, *Clerk.*

Said bills were read the first time.

Mr. Philson, on leave, offered the following joint resolution:

S. J. R. No. 74—*Resolved by the General Assembly of the State of Ohio*, That the Trustees of the Athens Hospital for the Insane be, and they are hereby authorized and directed, if, in their opinion, the amount appropriated for current expenses to said Hospital will be sufficent for the year, to expend three thousand dollars of said fund in doing the necessary grading and paving for said institution.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 20, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Burns, Curtiss, Haines, Johnston, Kerr, Kessler, Kleinschmidt, Owens, Philson, Ransom, Reese, Rukenbrod, Sheridan, Spangler, Stickney, Stokes and Williams—20.

So the resolution was adopted.

On motion of Mr. Burns, H. B. No. 802 was taken from the table.

Mr. Owens moved that the bill be referred to a select committee of one with instructions to amend as follows:

Strike out all of section 6, after the word "tension," in line 3, and insert the following:

"One thousand pounds per square inch; for pine, eight hundered pounds per square inch; and in compression for oak beams of ten diameters, six hundred pounds per square inch; and for pine, four hundred and fifty pounds per square inch; for oak beams, from ten to twenty diameters, three hundred and twenty pounds per square inch, and two hundred and forty pounds for pine; for oak beams from twenty to thirty diameters, one hundred and sixty pounds per square inch, and one hundred and forty pounds for pine; and in oak beams from thirty to forty diameters, one hundred and twenty pounds per square inch, and ninety pounds for pine."

Which was agreed to.

Mr. Owens was appointed such select committee.

Mr. Owens, on leave, submitted the following report:

The select committee of one, to whom was referred H. B. No. 802, with instructions to amend, reports the same back, amended as instructed.

JAMES W. OWENS.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 13, nays 11, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Brown of Lucas, Burns, Burrows, Kerr, Knox, Owens, Philson, Rukenbrod, Schenck, Stanton, Swan and Williams—13.

Those who voted in the negative were—

Messrs. Ault, Curtiss, Haines, Johnston, Kent, Kessler, Kleinschmidt, Miller, Monahan, Reese and Sheridan—11.

So the bill was lost.

On motion of Mr. Burns, said vote was reconsidered.

The bill was laid on the table.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills:

S. B. No. 399—To authorize the incorporated village of Clifton, Hamilton county, to issue bonds, etc.

S. B. No. 409—To authorize the Board of Trustees of the village of West Cleveland, Ohio, to issue bonds, etc.

S. B. No. 295—To regulate the letting of contracts for the doing of public works, etc.

S. B. No. 420—To create a special school district composed of sections 7 and 18 in Spencer township, and section 8, etc.

C. J. SWAN, E. L. LYBARGER,
T. P. BROWN, H. V. KERR,
E. C. LEWIS.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills:

H. B. No. 219—Supplementary to an act entitled an act supplementary to an act to provide for the organization and government of municipal corporations, passed February 10, 1870 (O. L., vol. 67, p. 7).

H. B. No. 499—To authorize the City Council of the city of Hamilton to transfer certain funds.

H. B. No 577—For the relief of Ellis Davis and the sureties on his official bond

ASA TOBEREN, H. V. KERR,
J. W. WASHBURN, T. P. BROWN,
E. L. LYBARGER, C. J. SWAN.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills and joint resolutions:

S. B. No. 356—To amend an act entitled an act amendatory to an act to provide for the creation of incorporated companies.

S. B. No. 421—To authorize the City Council of South Toledo to issue bonds.

S. J. R. No. 62—Asking Congress to make appropriations for the improvement of the rivers and harbors in the Mississippi Valley.

S. J. R. No. 71—Fixing the time for final adjournment.

S. B. No. 336—To authorize the Commissioners of Jackson county to lease part of the public square in the incorporated village of Jackson for certain purposes.

S. B. No. 417—To require inn and boarding house keepers to provide suitable and efficient fire escapes.

C. J. SWAN, E. L. LYBARGER,
T. P. BROWN, THOS. S. LUCCOCK,
H. V. KERR.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and joint resolutions:

S. B. No. 356—Mr. Andrews—To amend an act entitled an act to amend an act entitled an act amendatory to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, passed April 18, 1856, passed April 14, 1870, passed March 15, 1875 (p. 55, O. L., 1875).

S. B. No. 336—Mr. Monahan—To authorize the Commissioners of

Jackson county to lease part of the public square in the incorporated village of Jackson for certain purposes.

S. B. No. 417—Mr. Rukenbrod—To require inn and boarding house keepers to provide suitable and efficient fire escapes.

S. B. No. 421—Mr. Brown of Lucas—To authorize the City Council of South Toledo to issue bonds and borrow money for completing a certain road therein named.

S. J. R. No. 71—Mr. Knox—For fixing the time for final adjournment.

S. J. R. No. 62—Mr. Bates—Memorial asking Congress to make appropriations for the improvement of the rivers and harbors in the Mississippi valley.

H. B. No. 219—Mr. Bard—To amend section 2 of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869, passed February 10, 1870, (O. L., vol. 67, p. 7); and to repeal an act to extend the provisions of said act of February 10, 1870, passed March 30, 1874 (O. L., vol. 71, p. 49).

S. B. No. 409—Mr. Schenck—To authorize the Board of Water Works Trustees of the village of West Cleveland, Ohio, to issue bonds to the amount of $8,000.

S. B. No. 295—Mr. Ransom—To regulate the letting of contracts for the doing of public work, and the better protection of mechanics.

S. B. No. 399—Mr. Kessler—To authorize the incorporated village of Clifton, Hamilton county, to issue bonds and levy a tax for the purpose of laying water pipes.

S. B. No. 420—Mr. Andrews—To create a special school district composed of sections 7 and 18 in Spencer township and sections 8 and 17 in Amada township in Allen county.

Attest: WM. LEONARD, *Clerk.*

The Pesident, in presence of the Senate, signed said bills and joint resolutions.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives acceeds to the request of the Senate for a committee of conference on matters of difference between the two Houses on—

S. B. No. 243—Mr. Stanton—To repeal section 2 of an act entitled an act to fix the rate of legal advertising.

The Speaker has appointed Messrs. Cowgill, Oglevee and Brunner on the part of the House.

Attest: WM. LEONARD, *Clerk.*

The President appointed Messrs. Rukenbrod, Stanton and Owens as members of such committee on part of the Senate.

On motion of Mr. Stanton, H. B. No. 808—To amend section 51 of the act passed May 7, 1869, entitled an act to provide for the organization and government of municipal corporations (66 vol. 149): section 491 of the same act, as amended April 18, 1870, (67 vol. 78); and section 493 of the said original act.

Was taken from the table.

Mr. Johnston moved that the bill be referred to a select committee of one with instructions to amend as follows:

At the close of section 1 add the following: "And in case of the vacating or narrowing of any street, the right of way and easement therein of any lot owner shall not be thereby impaired."

Also, strike out sections 2, 3 and 4 and insert the following: "Section 2. That said section 51 be and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage."

Which was agreed to.

Mr. Johnston was appointed such select committee.

Mr. Johnston, on leave, submitted the following report:

The select committee of one to whom was referred H. B. No. 808, with instructions to amend, reports the same back, amended as instructed.

J. R. JOHNSTON.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 19, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Johnston, Knox, Owens, Philson, Ransom, Reese, Schenck, Sheridan, Stanton, Stickney and Swan—19.

Those who voted in the negative were----

Messrs. Haines, Kent and Rukenbrod—3.

So the bill passed. The title was agreed to.

On motion of Mr. Schenck, H. B. No. 303—To create a bureau of statistics of labor—was taken from the table.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted—yeas 19, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Burns, Curtiss, Ellis, Hudson, Kent, Kerr, Kessler, Kleinschmidt, Lewis, Ransom, Rukenbrod, Schenck, Stickney and Williams—19.

Those who voted in the negative were—

Messrs. Reese, Sheridan snd Swan—3.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to the following bills:

H. B. No. 758—Mr. Eylar—To amend section one of an act to authorize County Commissioners to locate and construct turnpike roads, passed April 30, 1869. (O. L. vol. 66, p. 62.)

H. B. No. 905—Mr. McLain—Appropriating money to pay for transcribing certain muster rolls of the Ohio volunteers into permanent record books, and for obtaining information in regard to Union soldiers' graves and providing for suitable headstones.

H. B. No. 912—Mr. Converse—To enable the trustees of Marion township, in Franklin county, Ohio, to establish a voting place for said township in the city of Columbus.

H. B. No. 873—Mr. Toberen—For the relief of J. D. Phillips, treasure of Hicksrville special school district.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has indefinitely postponed—

S. B. No. 416—Mr. Curtiss—To amend an act to amend an act to provide for and regulate street railroad companies, passed February 19, 1870.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has indefinitely postponed—

S. J. R. No. 60—Mr. Beatty—Providing for the printing of additional copies of the History of Education in Ohio.

Attest: WM. LEONARD, *Clerk.*

Mr. Burns submitted the following report:

The select committee of one, to whom was referred H. B. No. 707—To amend section two of an act entitled an act to protect more effectually the lives of railroad passengers from casualties by fire, passed May 4, 1869, (O. L., vol. 66, p. 95,) having had the same under consideration, report it back, and recommend its passage.

A. M. BURNS.

On motion of Mr. Burns the constitutional rule requiring bills to be read on three different days was dispensed with, and the bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 23, nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Johnston, Kerr, Miller, Monahan, Owens, Philson, Schenck, Sheridan, Spangler, Stickney, Stokes and Williams—23.

Those who voted in the negative were—

Messrs. Kessler, Kleinschmidt, Knox, Ransom, Rukenbrod and Stanton—6

The bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in the adoption of—

S. J. R. No. 74—Mr. Philson—Authorizing the Trustees of the Athens Hospital for the Insane to do certain grading.

Attest: WM. LEONARD, *Clerk.*

On motion of Mr. Ault, S. B. No. 400—To create two election precincts in Salt creek township, in Wayne county, was taken from the table.

The question being "Shall the bill pass" the yeas and nays were taken and resulted—yeas, 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Klein-

schmidt, Knox, Miller, Monahan, Owens, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stickney, Stokes, Swan and Williams----28.

So the bill passed. The title was agreed to.

Mr. Rukenbrod submitted the following report:

The standing committee on Penitentiary, to whom was referred H. J. R. No. 101---Providing for the care and control of a certain tract of land belonging to the State, having had the same under consideration, report it back without recommendation.

J. K. Rukenbrod, W. W. Beatty,
R. Stanton, H. W. Curtiss,
A. R. Haines.

The question being on the adoption of the resolution, the yeas and and nays were taken and resulted—yeas 23, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Burrows, Curtiss, Ellis, Haines, Johnston, Kerr, Kessler, Knox, Miller, Monahan, Owens, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stokes, Swan and Williaams—23.

So the resolution was adopted.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has passed the following bill in which the concurrence of the Senate is requested—

H. B. No. 922—Mr. Richards—To pay expenses of taking and reporting testimony used by a committee appointed by the General Assembly to investigate the cause of the Ashtabula disaster.

Attest: Wm. Leonard, *Clerk.*

Said bill was read the first time.

Mr. Burrows moved that the constitutional rule requiring bills to be read on three different days be dispensed with, and said bill be read the second time.

On which motion the yeas and nays were taken and resulted—yeas 19, nays 7, as follows:

Those who voted in the affirmative were—

Messrs. Beatty, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Johnston, Kent. Kleinschmidt, Knox, Miller, Rukenbrod, Schenck, Spangler, Stanton, Stickney, Stokes and Swan—19.

Those who voted in the negative were—

Messrs. Andrews, Haines, Monahan, Owens, Reese, Sheridan, and Wiiliams—7.

So the motion was disagreed to.

Mr. Ellis moved that H. B. No. 711—To change the subdivision of the 8th Judicial District, and to provide for the election of one additional Judge of the Court of Common Pleas therein, be taken from the table.

Which was disagreed to.

On motion of Mr. Johnston, H. B. No. 778—To amend sections 1, 2, 3, 4 and 7 of an act to regulate the sale of mineral oils, and other substances for illuminating purposes, and to repeal certain enactments therein named, passed April 16, 1867, (S. & S., p. 402,) and as amended April 27, 1872, (vol. 69,) was taken from the table.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 12, nays 10, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Beatty, Burns, Burrows, Ellis, Haines, Johnston, Kerr, Kessler, Reese, Stickney and Swan—12.

Those who voted in the negative were—

Messrs. Brown of Ross, Curtiss, Kleinschmidt, Knox, Miller, Monahan, Philson, Ransom, Schenck and Sheridan—10.

So the bill was lost.

On motion of Mr. Johnston, said vote was reconsidered.

The bill was laid on the table.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has indefinitely postponed—

S. B. No. 204—Mr. Haines of Preble—To render judicial sentences of convicts to the penitentiary more uniform in this State.

S. B. No. 139—Mr. Haines of Preble—Supplementary to the act to regulate and govern the Ohio penitentiary.

Attest: WM. LEONARD, *Clerk.*

On motion of Mr. Burrows, H. B. No. 459 was taken from the table

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 14, nays 10, as follows:

Those who voted in the affirmative were—

Messrs. Brown of Ross, Burns, Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Miller, Philson, Ransom, Schenck and Spangler—14.

Those who voted in the negative were—

Messrs. Andrews, Beatty, Ellis, Haines, Kerr, Monahan, Reese, Sheridan, Stickney and Swan—10.

So the bill was lost.

On motion of Mr. Curtiss, H. B. No. 403—For the prevention of tress-passing upon railway trains, and consequent injuries to minors or other persons, was taken from the table.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 21, nays 4, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Curtiss, Ellis, Haines, Kent, Kerr, Kessler, Kleinschmidt, Knox, Philson, Schenck, Sheridan, Stickney, Stokes and Williams—21.

Those who voted in the negative were—

Messrs. Johnston, Miller, Monahan and Reese—4.

So the bill passed. The title was agreed to.

Mr. Schenck moved that H. B. No. 176 be taken from the table.

Which was disagreed to.

Mr. Johnston submitted the following report:

The standing committee on Roads and Highways, to whom was referred H. B. No. 446—To empower Trustees of townships to purchase stone or gravel necessary for the improvement of public highways—having had the same under consideration, report it back and recommend its indefinite postponement.

J. R. JOHNSTON, A. L. BROWN,
M. KENT, J. B. WILLIAMS.

The bill was indefinitely postponed.

Mr. Andrews, on leave, offered the following resolution:

S. J. No. 109—

Resolved, That P. S. Simms and Sebastian Gramlich, porters for the Senate, be allowed the sum of three dollars and a half per day for the services they have rendered during the present General Assembly.

The question being on the adoption of the resolution the yeas and nays were taken and resulted—yeas 27, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Philson, Ransom, Reese, Schenck, Sheridan, Stickney, Stokes, Swan and Williams—27.

So the resolution was adopted.

On motion of Mr. Andrews, S. J. R. No. 59, was taken from the table.

The question being on the aboption of the resolution, the yeas and nays were demanded, taken and resulted—yeas 16, nays 3, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Ellis, Haines, Kent, Kerr, Monahan, Reese, Schenck, Sheridan, Stickney, Stokes and Swan—16.

Those who voted in the negative were—

Messrs. Johnston, Knox and Philson—3.

So the resolution was lost.

On motion of Mr. Schenck, H. B. No. 176—For the protection of boarding house keepers and others, was taken from the table.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken and resulted—yeas 11, nays 14, as follows:

Those who voted in the affirmative were—

Messrs. Ault, Curtiss, Ellis, Haines, Kent, Kerr, Kleinschmidt, Monahan, Philson, Schenck and Spangler—11.

Those who voted in the negative were—

Messrs. Andrews, Beatty, Brown of Ross, Burress, Burrows, Johnston, Kessler, Knox, Ransom, Reese, Sheridan, Stickney, Stokes and Swan —14.

So the bill was lost.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled, the following bills and joint resolution:

H. B. No. 682—To authorize the building of a public hall in Milford precinct, Miami township, Clermont county, Ohio.

S. J. R. No. 72—Directing the Board of State Charities to examine into the system of prison and work house reforms, and report thereon to the next General Assembly.

S. B. No. 397—To authorize the creation of a special school district in East Cleveland.

C. J. Swan, E. L. Lybarger,
T. P. Brown, Thos. S. Luccock,
H. V. Kerr.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills and resolution:

S. B. No. 397—Mr. Schenck—To authorize the creation of a special school district in East Cleveland, Cuyahoga county, Ohio.

H. B. No. 682—Mr. West—To authorize the building of a town hall in Milford precinct of Miami township, Clermont county, Ohio.

S. J. R. No. 72—Mr. Rukenbrod—Directing the Board of State Charities to examine into the systems of prison and work house reforms and report thereon to the next General Assembly.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills and joint resolution.

Mr. Andrews, on leave, offered the following joint resolution:

S. R. No. 110—*Resolved*, That the President of the Senate be directed to certify an allowance of fifty cents per day in addition to the per diem now paid for the services of F. Fogle, C. Olmstead, C. Maxwell and James A. Crane, for the adjourned session of the sixty-second General Assembly.

The question being on the adoption of the resolution, the yeas and nays were taken, and resulted—yeas 12, nays 8, as follows:

Those who voted in the affirmative were

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Ellis, Haines, Kerr, Monahan, Ransom, Stickney and Williams—12.

Those who voted in the negative were--

Messrs. Brown of Ross, Burns, Curtiss, Johnston, Kent, Kessler, Spangler and Swan—8.

So the resolution was disagreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 303—Mr. Fehrenbatch—To create a bureau of statistics of labor.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 808—Mr. Ullery—To amend section 51 of the act passed May 7, 1869, entitled an act to provide for the organization and government of municipal corporations, (66 vol. 149); section 491 of the same act, as amended April 18, 1870, (67 vol. 78); and section 493 of the said original act.

Attest: WM. LEONARD, *Clerk.*

Mr. Ransom moved that H. B. No. 859 be taken from the table.

Which was disagreed to.

Mr. Stanton submitted the following report:

The committee of conference on S. B. No. 243—To fix the rate of legal advertising, and to repeal a certain act therein named—having had the same under consideration, are unable to agree, and ask to be discharged from the further consideration of the same.

THOS. A. COWGILL,
L. A. BRUNNER,
J. F. OGLEVEE,
House Committee.

R. STANTON,
JAS. W. OWENS,
J. K. RUKENBROD,
Senate Committee.

The report was agreed to.

The committee was discharged.

Mr. Brown of Ross submitted the following report:

The standing committee on Roads and Highways, to whom was referred H. B. No. 697—To amend section 7 of an act entitled "An act to provide for laying out and constructing a road from Liverpool, in Columbiana county, to Warren, in the county of Trumbull," passed February 21, 1824, (O. L., vol. 22, p. 80)—having had the same under consideration, report it back and recommend its indefinite postponement.

A. L. BROWN, J. B. WILLIAMS,
J. R. JOHNSTON, M. KENT,
WM. SHERIDAN, JR., A. SPANGLER.

The bill was indefinitely postponed.

Mr. Brown of Lucas, on leave, offered the following joint resolution:

S. J. R. No. 75—*Resolved by the General Assembly of the State of Ohio*, That the Sergeant-at-Arms of the Senate, Edward L. Jones, be awarded and paid the sum of $100 for services performed during adjournment.

The question being on the adoption of the resolution, the yeas and nays were taken and resulted—yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burns, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Monahan, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes and Williams—28

So the resolution was adopted.

Mr. Andrews moved that the vote whereby the motion to dispense with the constitutional rule to allow H. B. No. 922 to be read the second time, was disagreed to, be reconsidered.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 17, nays 8, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Burns, Burrows, Curtiss, Ellis, Johnston, Kent, Kessler, Kleinschmidt, Knox, Ransom, Rukenbrod, Schenck, Spangler, Stickney and Swan—17.

Those who voted in the negative were—

Messrs. Ault, Brown of Lucas, Haines, Monahan, Owens, Philson, Reese and Sheridan—8.

So the vote was reconsidered.

The question recurring on the motion to dispense with said constitutional rule, requiring bills to be read on three different days.

On motion of Mr. Burrows said motion was laid on the table.

Mr. Monahan moved that the Senate adjourn until 6½ o'clock A. M. Monday.

On which motion the yeas and nays were demanded, taken, and resulted—yeas 15, nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Beatty, Brown of Lucas, Haines, Kerr, Monahan, Owens, Ransom, Reese, Spangler, Stokes, Swan and Williams—15.

Those who voted in the negative were—

Messrs. Bates, Brown of Ross, Burns, Burrows, Curtiss, Ellis, Johnston, Kent, Kessler, Kleinschmidt, Knox, Philson, Rukenbrod, Schenck, Sheridan, Stanton and Stickney—16.

So the motion was disagreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has concurred in Senate amendments to—

H. B. No. 700—Mr. Neal—To permit certain cities to make a contract for the furnishing of gas.

Attest: WM. LEONARD, *Clerk.*

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives has refused to concur in the adoption of—

S. J. R. No. 73—Mr. Swan—For extra *per diem* for E. L. Jones, Sergeant-at-Arms.

Attest: WM. LEONARD, *Clerk.*

On motion of Mr. Kessler the Senate adjourned until 6½ o'clock A. M. Monday.

Attest: J. C. DONALDSON, *Clerk.*

MONDAY, MAY 7, 1877—6½ o'clock A. M.

The Senate met pursuant to adjournment.

The Journal was read and approved.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled, the following joint resolution:

S. J. R. No. 74—Authorizing the trustees of the Athens Hospital for the Insane to do certain grading.

C. J. SWAN, T. P. BROWN,
H. V. KERR, E. L. LYBARGER,
ASA TOBEREN.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills:

H. B. No. 776—To amend an act entitled "An act to amend an act entitled 'an act to enroll the militia of Ohio, to organize the volunteer militia, and to repeal certain acts therein named,'" passed April 2, 1866, and to repeal certain acts therein named, passed April 11, 1876.

H. B. No. 808—To amend section fifty-one of the act passed May 7, 1869, entitled "An act to provide for the organization and government of municipal corporations," (66 v. 149.)

H. B. No. 403—For the prevention of trespassing upon railway trains and consequent injuries to minors and others.

H. B. No. 758—To amend section one of an act to authorize County Commissioners to locate and construct turnpike roads, passed April 13, 1869, (O. L., vol. 66, p. 62.)

H. B. No. 258—To provide a warehouse, create the office of inspector of leaf tobacco, and regulate the inspection of tobacco.

E. L. Lybarger, T. S. Luccock,
Asa Toberen, C. J. Swan,
T. P. Brown.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives, has, in presence of the House, signed the following joint resolution:

S. J. R. No. 74—Mr. Philson—Authorizing the trustees of the Athens Hospital for the Insane to do certain grading.

Attest: Wm. Leonard, *Clerk.*

The President, in the presence of the Senate, signed said joint resolution.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 776—Mr. Ullery—To amend an act entitled "An act to amend an act entitled 'an act to enroll the militia of Ohio, to organize the volunteer militia, and to repeal certain acts therein named,' passed April 2, 1866, and to repeal certain acts therein named," passed April 11, 1876.

H. B. No. 808—Mr. Ullery—To amend section fifty-one of the act passed May 7, 1869, entitled "An act to provide for the organization and government of municipal corporations," (66 v. 149.)

H. B. No. 403—Mr. Hodge—For the prevention of trespassing upon railway trains and consequent injuries to minors and others.

H. B. No. 758—Mr. Eylar—To amend section one of an act to authorize County Commissioners to locate and construct turnpike roads, passed April 13, 1869, (O. L., vol. 66, p. 62.)

H. B. No. 258—Mr. Watson—To provide a warehouse, create the office of inspector of leaf tobacco, and regulate the inspection of tobacco.

Attest: Wm. Leonard, *Clerk.*

The President, in presence of the Senate, signed said bills.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled, the following bills:

H. B. No. 806—To further consolidate land titles in Ohio.

H. B. No. 813—To authorize the board of public works to enlarge a culvert under the Ohio canal, known as Williams' culvert, on the Millport level, in Pickaway county.

H. B. No. 873—For the relief of J. D. Phillips, treasurer of Hicksville special school district.

H. B. No. 918—To authorize the town council of the incorporated village of Findlay, Hancock county, Ohio, to purchase a steam fire engine, and to issue bonds to pay for the same.

H. B. No. 887—To authorize the Commissioners of Pickaway county, Ohio, to use from the bridge fund of said county any sum not exceeding three thousand dollars for road purposes therein.

H. B. No. 896—To authorize the council of the incorporated village of Marysville, Union county, Ohio, to levy a tax to build a town hall.

H. B. No. 889—To provide for the publication of legal advertisements.

H. B. No. 908—To authorize the council of the incorporated village of Medina to purchase a fire engine and provide money to pay for the same.

H. B. No. 588—To provide for the incorporation of Farm Labor Associations.

H. B. No. 905—Appropriating money to pay for transcribing certain muster rolls of the Ohio Volunteers into permanent record books, and for obtaining information in regard to Union soldiers' graves, and providing suitable headstones.

H. B. No. 911—To repeal an act entitled "An act to create a special school district in school districts numbers 6 and 7, in Norwich township, Franklin county, Ohio, and school districts numbers 4 and 5 in Brown township, in said county, and school district number 2, in Prairie township, in said county," passed April 21, A. D. 1877.

H. B. No. 456—To establish and maintain a school of mines and mine engineering in the Ohio Agricultural and Mechanical College.

H. B. No. 707—To amend section two of an act entitled "An act to protect more effectually the lives of railroad passengers from casualties by fire," passed May 4, 1869, (O. L., vol. 66, p. 95.)

H. B. No. 763—To amend section one of an act entitled "An act providing for the erection of new buildings at the Ohio penitentiary, and making partial appropriations for said institution for the year 1875," passed February 4, 1875, (O. L., vol. 72, p. 26.)

H. B. No. 700—To allow certain cities of the second class to purchase or erect gas works.

H. B. No. 897—Mr. Hodge—Supplementary to the act entitled "An act relating to juries," passed April 26, 1873; also, an act entitled "An act to amend section two of the act entitled 'an act relating to juries,'" passed April 26, 1873; passed March 9, 1876; also, the act entitled "An act to regulate the fees of probate judges, clerks of the courts, sheriffs, witnesses, jurors' fees in partitions, and to repeal certain acts therein named," passed April 8, 1876.

H. B. No. 303—To create a bureau of statistics of labor.

H. B. No. 869—To authorize the trustees of Garrettsville township, Portage county, Ohio, to levy a tax for certain purposes therein named.

H. B. No. 921—To repeal an act entitled "An act creating a special

school district in Sandusky township, Richland county, Ohio," passed May 2, 1877.

H. B. No. 912—To enable the trustees of Marion township, in Franklin county, Ohio, to establish a voting place for said township in the city of Columbus.

E. L. LYBARGER, THOS. S. LUCCOCK,
J. W. WASHBURN, T. P. BROWN,
C. J. SWAN.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 806—Mr. Nigh—To further consolidate land titles in Ohio.

H. B. No. 813—Mr. Krimmel—To authorize the Board of Public Works to enlarge a culvert under the Ohio canal, known as Williams' Culvert, on the Millport level, in Pickaway county.

H. B. No. 873—Mr. Toberen—For the relief of J. D. Phillips, treasurer of Hicksville special school district.

H. B. No. 918—Mr. Sheets—To authorize the Town Council of the incorporated village of Findlay, Hancock county, Ohio, to purchase a steam fire engine, and to issue bonds to pay for the same.

H. B. No. 887—Mr. Krimmel—To authorize the Commissioners of Pickaway county, Ohio, to use from the bridge fund of said county, any sum not exceeding three thousand dollars for road purposes therein.

H. B. No. 896—Mr. Garwood—To authorize the Council of the incorporated village of Marysville, Union county, Ohio, to levy a tax to build a town hall.

H. B. No. 889—Mr. Millikan—To provide for the publication of legal advertisements.

H. B. No. 908—Mr. Perkins—To authorize the Council of the incorporated village of Medina to purchase a fire engine and provide money to pay for the same.

H. B. No. 588—Mr. Luccock—To provide for the incorporation of Farm Laborers' Associations.

H. B. No. 905—Mr. McLain—Appropriating money to pay for transcribing certain muster rolls of Ohio Volunteers into permanent record books.

H. B. No. 911—Mr. Groom—To repeal an act entitled an act to create a special school district in school districts Nos. six and seven, in Norwich township, Franklin county, Ohio, and school districts Nos. four and five in Brown township, in said county, and school district No. two, in Prairie township, in said county, passed April 26, 1877.

H. B. No. 456—Mr. Nigh—To establish and maintain a school of mines and mine engineering in the Ohio Agricultural and Mechanical College.

H. B. No. 707—Mr. Wiltsee—To amend section two of an act entitled an act to protect more effectually the lives of railroad passengers from casualties by fire, passed May 4, 1869. (O. L., vol. 66, p. 95.)

H. B. No. 763—Mr. Holloway—To amend section one of an act entitled an act providing for the erection of new buildings at the Ohio penitentiary, and making partial appropriations for said institution for the year 1875, passed February 4, 1875. (O. L., vol. 72, p. 26.)

H. B. No. 700—Mr. Neal—To allow certain cities of the second class to purchase or erect gas works.

H. B. No. 897—Supplementary to the act entitled "An act relating to juries," passed April 26, 1873; also, an act entitled "An act to amend section 2 of the act entitled 'an act relating to juries,'" passed April 26, 1873; passed March 9, 1876; also, the act entitled "An act to regulate the fees of probate judges, clerks of the courts, sheriffs, witnesses, jurors' fees in partitions, and to repeal certain acts therein named," passed April 8, 1876.

H. B. No. 303—Mr. Ferehrenbatch—To create a bureau of statistics of labor.

H. B. No. 869—Mr. Blake—To authorize the Trustees of Garrettsville township, Portage county, Ohio, to levy a tax for certain purposes therein named.

H. B. No. 921—Mr. Williams—To repeal an act entitled an act creating a special school district in Sandusky township, Richland county, Ohio, passed May 2, 1877.

H. B. No. 912—To enable the trustees of Marion township, Franklin county, Ohio, to establish a voting place for said township in the city of Columbus.

Attest: WM. LEONARD, *Clerk.*

The President, in the presence of the Senate, signed said bills.

Mr. Andrews, on leave, offered the following resolution, which was adopted:

S. R. No. 111—*Resolved*, That the thanks of the Senate are cordially tendered to Hon. H. W. Curtiss for the able, prompt, and impartial manner in which he has performed the arduous duties of President of this body.

Mr. Beatty submitted the following report:

The standing committee on Public Printing, to whom was referred H. B. No. 130—Providing for printing and distributing the Journals of the General Assembly, and the Laws and Public Documents, and repeal certain acts therein named—having had the same under consideration, report in back without recommendation.

WM. W. BEATTY, J. K. RUKENBROD,
C. J. SWAN, SAMUEL KNOX,
WM. MILLER.

The bill was laid on the table.

Mr. Johnston, on leave, offered the following resolution, which was adopted:

S. R. No. 112—*Resolved*, That the thanks of the Senate are due, and they are hereby tendered to J. C. Donaldson, Clerk, and his assistants, for the faithful, prompt, and efficient manner in which they have respectively discharged their duties.

Mr. Williams, on leave, offered the following resolution, which was adopted:

S. R. No. 113—*Resolved*, That the thanks of the Senate are tendered to Hon. Samuel Knox for his pleasant, able, prompt, and impartial manner of presiding over this body as President *pro tem.*

Mr. Ellis, on leave, offered the following resolution, which was adopted:

S. R. No. 114—*Resolved*, That the thanks of the Senate are due, and

they are hereby tendered to E. L. Jones, Sergeant-at-Arms, and his assistants, for the faithful and efficient discharge of their duties.

Mr. Burrows, on leave, offered the following resolution, which was adopted:

S. R. No. 115—*Resolved*, That the thanks of the Senate are hereby tendered to J. R. Crane, C. Olmstead, F. Fogle and C. Maxwell, our Pages, for the prompt and efficient manner in which they have discharged their duties.

H. B. No. 922—To pay expenses of taking and reporting testimony used by a committee appointed by the General Assembly to investigate the cause of the Ashtabula disaster—Was read the second time.

Mr. Burrows moved that the constitutional rule requiring bills to be read on three different days be dispensed with, and said bill be read the third time.

Which was agreed to.

The bill was read the third time.

The question being "Shall the bill pass?" the yeas and nays were taken, and resulted, yeas 12, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Burrows, Curtiss, Johnston, Kent, Kessler, Kleinschmidt, Knox, Ransom, Rukenbrod, Schenck, Stanton and Warnock—12.

So the bill was lost.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills:

H. B. No. 728—Supplementary and amendatory of the act entitled "An act to amend sections 2, 4 and 24 of an act entitled an act to preserve the purity of elections."

H. B. No. 765—To repeal section six of an act entitled an act supplementary to an act entitled "An act for the assessment and taxation of property in this State, and for levying taxes therein according to its true value in money," passed and took effect May 1, 1862.

H. B. No. 810—Relating to dower and the mode of fixing the value in money of dower estates.

H. B. No. 714—Supplementary to "An act to more effectually provide for locating, establishing and constructing ditches, drains and water courses in townships, and to repeal certain acts therein named," passed April 8, 1874, (O. L., vol. 71, p. 124).

H. B. No. 446—To empower trustees of townships to purchase land containing stone or gravel necessary for the improvement of public highways.

H. B. No. 915– To authorize the Commissioners of Athens county to pay certain indebtedness.

H. B. No. 909—To authorize the County Commissioners of Gallia county to build a court house, and to issue bonds therefor.

J. W. Washburn, E. L. Lybarger,
T. P. Brown, C. J. Swan,
H. V. Kerr.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined and found correctly enrolled the following bills and joint resolutions:

H. J. R. No. 101—Providing for the care and control of a certain tract of land belonging to the State.

H. J. R. No. 121—Providing for the renumbering of certain laws.

H. J. R. No. 118—Relative to republishing the amendment to the constitution, adopted on the second Tuesday of October, 1875.

H. B. No. 856—To create a joint sub-district for school purposes in the township of Thorn, Perry county, and Walnut township, Fairfield county.

H. B. No. 804—To amend section one of an act entitled "An act to authorize cities of the first class, having a population of over one hundred and fifty thousand inhabitants to pay certain claims," passed April 11, 1876, (O. L., vol. 73, p. 214).

J. W. Washburn, Thos. S. Luccock,
E. L. Lybarger, C. J. Swan,
T. P. Brown.

Mr. Swan submitted the following report:

The joint committee on Enrollment have examined, and found correctly enrolled the following bills:

H. B. No. 909—To amend section two of an act entitled "An act regarding the maintenance and repair of streets, alleys," etc., etc.

H. B. No. 890—To authorize the council of the incorporated village of Marysville, Union county, Ohio, to purchase or condemn grounds for cemetery purposes, and to levy a tax, issue bonds and borrow money to pay therefor.

J. W. Washburn, E. L. Lybarger,
T. P. Brown, H. V. Kerr,
C. J. Swan.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following joint resolutions:

H. J. R. No. 101—Mr. Converse—Relating to the State stone quarry.

H. J. R. No. 121—Mr. Hitchcock—Providing for the renumbering of certain laws.

H. J. R. No. 118—Mr. Converse—Providing for republishing the amendment to the constitution adopted on the second Tuesday of October, 1875.

Attest Wm. Leonard, *Clerk.*

The President, in presence of the Senate, signed said joint resolutions.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in the presence of the House, signed the following bills:

H. B. No. 765—Mr. Haley—To repeal section six of an act entitled an act supplementary to an act entitled an act for the assessment and taxation of property in this State, and for levying taxes thereon according to its true value in money, passed and took effect May 1, 1862.

H. B. No. 810—Mr. Thresher—Relating to dower and the mode of fixing the value in money of dower estates.

H. B. No. 714—Mr. Oglevee—Supplementary to an act to more effectually provide for locating, establishing, and constructing ditches, drains,

and water courses in townships, and to repeal certain acts therein named, passed April 18, 1874, (O. L., vol. 71, p. 124).

H. B. No. 446—Mr. Tryon—To empower trustees of townships to purchase land containing stone or gravel necessary for the improvement of public highways.

H. B. No. 915—Mr. Monahan—To authorize the Commissioners of Athens county to pay certain indebtedness.

H. B. No. 919—Mr. Stone—To authorize the Commissioners of Gallia county to build a court honse, and issue bonds therefor.

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The Speaker of the House of Representatives has, in presence of the House, signed the following bills:

H. B. No. 909—Mr. Hodge—To amend section two of an act entitled "An act regarding the maintenance and repair of streets, alleys, etc., in cities of the first class, having a population of more than ninety thousand, and less than one hundred and fifty thousand inhabitants at the last federal census," passed April —, 1877, and to repeal said original section.

H. B. No. 890—Mr. Garwood—To authorize the council of the incorporated village of Marysville, Union county, Ohio, to purchase or condemn grounds for cemetery purposes, and to levy a tax, issue bonds, and borrow money to pay therefor.

H. B. No. 856—Mr. Baker of Perry—To create a joint sub-district for school purposes in the township of Thorn, Perry county, and Walnut township, Fairfield county,

H. B. No. 804—Mr. Dirr—To amend section one of an act entitled "An act to authorize cities of the first class, having a population of over one hundred and fifty thousand inhabitants, to pay certain claims," passed April 11, 1876, (O. L., vol. 76, p. 214).

H. B. No. 728—Mr. Duncan—Supplementary and amendatory of the act entitled "An act to amend sections 2, 4 and 24 of an act entitled an act to preserve the purity of elections."

Attest: WM. LEONARD, *Clerk.*

The President, in presence of the Senate, signed said bills.

The following communiations were received from the Governor:

MESSAGE FROM THE GOVERNOR.

THE STATE OF OHIO, EXECUTIVE DEPARTMENT,

COLUMBUS, 7th day of May, 1877.

To the General Assembly:

I have the honor to inform you that I have this day appointed—

James S, Jennings, of Athens county; Charles Hare, of Noble county, and Isaac Wisener, of Monroe county, to be Commissioners to procure and purchase for the State a tobacco warehouse.

Very Respectfully,

THOS. L. YOUNG, *Governor.*

MESSAGE FROM THE GOVERNOR.

THE STATE OF OHIO, EXECUTIVE DEPARTMENT,

COLUMBUS, 7TH day of May, 1877.

To the Senate of Ohio:

I have the honor to nominate, and by and with the advice and consent of the Senate, appoint H. W. Hughes, of Hamilton county, to be Trustee of Miami University from and after this date until March 1, 1881, *vice* A. G. Galloway, deceased.

Very respectfully,

THOS. L. YOUNG, *Governor.*

The question being on consenting to said appointment of H. W. Hughes, the yeas and nays were taken, and resulted, yeas 28, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Owens, Philson, Ransom, Rukenbrod, Schenck, Sheridan, Stanton, Stickney, Stokes, Swan, Warnock and Williams—28.

So the Senate advised and consented to said appointment.

The following communication was received from the Governor:

MESSAGE FROM THE GOVERNOR.

THE STATE OF OHIO, EXECUTIVE DEPARTMENT,

COLUMBUS, 7th day of May, 1877.

To the General Assembly:

I have the honor to inform you that I have this day nominated Harry J. Walls, of Hamilton county, to be Commissioner of Bureau of Labor Statistics.

Very Respectfully,

THOS. L. YOUNG, *Governor.*

The question being on consenting to said appointment, the yeas and nays were taken, and resulted—yeas 29, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Ault, Bates, Beatty, Brown of Lucas, Brown of Ross, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kessler, Kleinschmidt, Knox, Owens, Philson, Ransom, Reese, Rukenbrod, Schenck, Sheridan, Spangler, Stanton, Stickney, Stokes, Swan, Warnock and Williams—29.

So the Senate advised and consented to said appointment.

On motion of Mr. Warnock, H. B. No 597 was taken from the table.

Mr. Warnock moved that the bill be referred to a select committee of one, with instructions to amend as follows:

In section 1, line 9, after the word "therein," strike out the words, "and also in one German paper if any be published," and insert in same line after the word "door," the words "written in a clear, legible hand or printed on firm paper."

On which motion the yeas and nays were demanded, taken and resulted—yeas 11, nays 15, as follows :

Those who voted in the affirmative were—

Messrs. Bates, Beatty, Burrows, Curtiss, Haines, Kessler, Knox, Philson, Rukenbrod, Spangler and Warnock—11.

Those who voted in the negative were—

Messrs. Andrews, Ault, Brown of Lucas, Ellis, Johnston, Kent, Kerr, Owens, Reese, Schenck, Sheridan, Stickney, Stokes Swan, and Williams —15.

So the motion was disagreed to.

Mr. Rukenbrod, on leave, offered the following resolution, which was adopted:

S. R. No. 116—*Resolved*, That a message be sent to the House of Representatives informing that body that the Senate has completed its business and is now ready to adjourn.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

The House of Representatives is now ready to adjourn *sine die*, according to—

S. J. R. No. 71—Mr. Knox—Fixing the time for final adjournment.

Attest: WM. LEONARD, *Clerk.*

The hour fixed by S. J. R. No. 71, for the final adjournment of this Sixty-Second General Assembly having arrived, the President, previous to declaring the Senate adjourned, addrested the Senate as follows:

SENATORS—Ultimate dissolution attends all things earthly, and this irresistible law now forces upon us a final official separation. In taking a retrospect of our Senatorial intercourse, I trust all of us will accept the conclusion that our relations here have been such as to reflect honor and respect for each other, and that we shall carry to our homes none but the most pleasing memories.

Your legislative work speaks for itself. Your record is made, and although associated with you, I trust it will not be amiss for me to say that I believe you have faithfully met the responsibilities which have devolved upon you. For the honor conferred and the respect extended me in electing me to preside during your deliberations, be pleased to accept my most sincere thanks; and for the kindness and forbearance at all times accorded me as your presiding officer, allow me to thank you again and again. Excepting temporary, evanescent asperity, your intercourse has been most honorable, and I accept with profound appreciation your courteous bearing towards me, and hope and trust that I have been alike respectful and honorable in the discharge of my official duties. My ardent desire is that in the future you will entertain for me the kind-

ness uniformly accorded in the past. And now, Senators, Clerks, Sergeants-at-Arms and all attaches, one and all, farewell, and may peace and prosperity abundantly crown your coming years.

I now declare this Senate adjourned without day.

So the Senate adjourned.

Attest: J. C. DONALDSON, *Clerk.*

APPENDIX.

COX v. HARMON.

EVIDENCE, ETC., IN THE CONTEST OF COX v. HARMON, IN THE FIRST JUDICIAL DISTRICT, HAMILTON COUNTY.

To the Senate of the State of Ohio:

Joseph Cox, an elector of the county of Hamilton, and State of Ohio, and candidate for the office of one of the Judges of the Court of Common Pleas of the First Judicial District of Ohio, comprising the county of Hamilton, at the election held in said district on the tenth day of October, A. D. 1876, hereby gives notice of his intention to contest the election of Judson Harmon, who was declared elected to said office, and hereby specifies the particular points on which he means to rely, to wit:

First. Because of gross irregularities and frauds committed in the interest and on behalf of the said Judson Harmon at the election aforesaid in the Third, Fourth, Fifth, Sixth, Eighth, Ninth, Thirteenth, Sixteenth, Eighteenth, Twenty-first, and Twenty-second wards, and in other precincts and wards of the city of Cincinnati, which is a part of said First Judicial District.

Said irregularities consisted in the absence of judges and clerks from their respective polls; that the said judges and clerks did not sign their poll-books; that persons were excluded from the counting and from being present at the counting of said votes who were entitled to be present.

Said frauds consisted of the voting of persons for the said Judson Harmon each oftener than one time, and in many instances voting for him as often as five, ten, fifteen, and twenty times, and in persons voting for him who were not residents of the State of Ohio for one year last past, and by persons voting for him who had not lived in the said First Judicial District, to wit, the county of Hamilton, for thirty days last past, and by persons voting for him who had not lived in the wards in which they voted twenty days last past, and by persons voting for him who were residents of the State of Kentucky at the time at which they voted, and by persons voting for him who were residents of the State of Maryland at the time at which they voted, and by persons voting for him who were residents of the State of New York at the time at which they voted, and by persons voting for him who were residents of other of the States of the United States at the time at which they voted, in all to the number of seventeen hundred and fifty votes.

Second. Because the judges and clerks of the First, Second, Third, and Fourth precincts of the First ward, and the judges and clerks of the First and Second precincts of the Second ward, and the judges and clerks of the First and Second precincts of the Fourth ward, and the judges and clerks of the several precincts of the Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-first, Twenty-second, Twenty-third, Twenty-fourth, and Twenty-fifth wards of the city of Cincinnati counted in each of the several precincts aforesaid at least five more votes than were cast for the said Judson Harmen in the said precincts, and to the total number of two hundred and sixty-five votes, which said two hundred and sixty-five votes, if deducted from his total vote as officially reported, would give contestant a majority of all the legal votes cast for the candidates for the said office of Judge of the Court of Common Pleas of the said First Judicial District at said election.

Third. Because the judges and clerks of the precincts and wards aforesaid neglected and omitted to count for the said Joseph Cox votes in each of the said precincts to which he was legally entitled, which in the aggregate amount to more than the majority claimed.

Fourth. Because the judges and clerks of the voting precincts of Anderson township, to wit, Anderson, Northern, Central, and Southern; Colerain township, Northern precinct and Southwestern precinct; Columbia township, Eastern precinct, Western precinct, Central precinct, and Oakley Station precinct; Crosby township, Delhi precinct, Eastern precinct, and Western precinct; Green township, Southern precinct, Northeastern precinct, and Northwestern precinct; Harrison township, Miami township precinct; Millcreek township, Northeastern precinct, Winton Place precinct, Clifton precinct, Western precinct, Avondale precinct, St. Bernard precinct, College Hill precinct, Bond Hill precinct, and Riverside precinct; Springfield township, Southeastern precinct, Northeastern precinct, Western precinct, and Hartwell precinct; Spencer township, First precinct, Southern precinct; Sycamore township, Eastern precinct, Sharonville precinct, Reading precinct; Symmes township, Camp Dennison precinct, Northern precinct; Whitewater township, Northern precinct and Southern precinct—counted for the said Judson Harmon in each of said precincts at least five more votes than he received, to the total number of at least one hundred and ninety votes, which, if deducted from the total vote of the said Judson Harmon, leaves him with a minority of all the votes cast for the said Judge of the Court of Common Pleas for the said Judicial District. And because the judges and clerks of the townships and precincts aforesaid neglected and omitted, and, in some cases, fraudulently neglected and omitted, to count all the votes cast for contestant, to the number of seventy and more.

Fifth. Because there were cast for the said Harmon at said election more than seventy votes on fraudulent ballots or tickets, from which the name of said Joseph Cox was illegally omitted and erased, and the name of the said Judson Harmon was illegally inserted and voted at said election upon ballots or tickets on which were printed the heading designated and used by the Republican party at said election, to the number of seventy and over.

Sixth. Because in each of the several precincts of the Third, Fourth, Fifth, Sixth, Eighth, Thirteenth, Sixteenth, Eighteenth, Nineteenth, Twenty-first, and Twenty-second wards of said city and Judicial District there were cast a larger number of ballots or tickets than there were names on the tally-sheets, and because in each of said precincts there were a larger number of votes cast than there were legal voters in said precincts, and said votes so illegally cast were cast for the said Judson Harmon.

Seventh. Because the said Joseph Cox received a majority over the said Judson Harmon of all the legal votes cast at the said election for the office of Judge of the Court of Common Pleas for the said First Judicial District of the State of Ohio.

Contestant therefore asks that your honorable body, as required by the statutes, by resolution determine on what day or days you will meet in your chamber to hear and determine said contest, and that a person be appointed by your body to serve upon the said Judson Harmon a certified copy of this notice, with a notice when he is required to attend in the Senate Chamber to answer this contest.

JOSEPH COX,
By Buchwalter & Campbell.

IN THE SENATE OF OHIO.

JOSEPH COX, Contestant, *v.* JUDSON HARMON, Contestee. Answer.

I. GENERAL DENIAL.

Now comes Judson Harmon, the above-named contestee, still insisting upon all the objections hereinbefore by him made, and protesting against the jurisdiction of this Senate, and that he ought not to be compelled to answer to and defend against the notice and specifications hereinbefore filed by said Joseph Cox, and for answer to said notice and specifications denies each and every allegation therein contained.

II. SPECIFICATIONS OF DEFENSE.

And by way of specification of what he expects further to show in his defense, the said Judson Harmon, contestee, alleges:

1. That at the election referred to in said notice there were three Judges of the Court of Common Pleas in and for the First Judicial District of Ohio to be elected, for which offices there were six candidates voted for at said election, to wit, William L. Avery, Nicholas Longworth, said Judson Harmon, William H. Pugh, said Joseph Cox, and Henry A. Morrill, of whom said Avery, Longworth, and Harmon, each received a majority of votes legally cast at said election, and each received more lawful votes than said Cox for said office at said election; and the said William L. Avery, Nicholas Longworth, and Judson Harmon having, as aforesaid, received the highest number and a majority of all the lawful votes cast at said election, were duly declared elected to said office, and were, before the filing of the said notice and specifications herein, duly commissioned and sworn as such judges.

2. That in the various city wards and precincts, townships and precincts, of the county of Hamilton, composing said judicial district, more specifically named in the specifications of contestant herein, to which reference is made, many persons voted for said Joseph Cox for the said office at said election who had not resided in the State of Ohio nor in the various wards, townships, and precincts in which they so respectively voted, the length of time required by law to entitle them to so vote.

3. That in said various wards, townships, and precincts many persons voted for said Joseph Cox for said office at said election who were not residents of the respective wards, townships, and precincts in which they so voted.

4. That in said various wards, townships, and precincts many persons voted for said Joseph Cox for said office at said election who were of foreign birth and had not been

duly naturalized as citizens of the United States, and were not entitled under the laws of the United States or the laws of Ohio to so vote.

5. That in said various wards, townships, and precincts many persons voted for said Joseph Cox for said office at said election more than once.

6. That in said various wards, townships, and precincts many persons voted for said Joseph Cox for said office who were under the age of twenty-one years.

7. That in said various wards, townships, and precincts the judges and clerks of said election counted and certified many votes for said Joseph Cox for said office which were not cast for him therefor.

8. That in said various wards, townships, and precincts the judges and clerks of said election omitted to count and certify votes which had been lawfully cast for said Judson Harmon for said office at said election.

9. That the judges and clerks of said election in various of the wards, townships, and precincts aforesaid, other than those named in the first specification filed by contestant herein, suffered and committed gross irregularities and frauds at said election, consisting in being absent from their respective polls, in excluding from being present at the receiving and counting of the votes cast at their respective polls persons entitled to be present thereat.

10. That the judges and clerks of the Second Precinct of the Thirteenth Ward of the city of Cincinnati failed to keep and sign, and return to the Clerk of Hamilton county, with the abstract of votes cast, a poll-book showing the names of persons who voted, and the total number of votes cast.

11. That in the said various wards, townships, and precincts of Hamilton county the judges and clerks of said election refused to receive, and did not receive, lawful votes for said Judson Harmon for said office duly offered for him thereat by persons who were entitled to vote at said election in the various wards, precincts, and townshiys in which they so offered to vote.

12. That in various of the wards, townships, and precincts aforesaid, many votes were cast for said Joseph Cox upon marked tickets, and many upon tickets otherwise illegal; all of which were improperly counted for said Joseph Cox by the judges and clerks of the respective wards, townships, and precincts where the same were so cast at said election.

All of which said Judson Harmon, contestee, is ready to make appear.

JUDSON HARMON, by
GEORGE HOADLEY,
BENJ. BUTTERWORTH,
MOSES F. WILSON,
C. W. COWAN,
His Counsel.

CINCINNATI, February 3, 1877.

JUDSON HARMON, *Cincinnati, Ohio:*

SIR: You are hereby notified that the Honorable Joseph Cox, an elector of the First Judicial District of Ohio, and a condidate for the office of one of the Common Pleas Judges of the said Judicial District at the election held in the said District and State on the tenth day of October, 1876, intends to contest your election for the term for which you claim to have been elected one of the Judges of the Common Pleas Court for the said District at said election, for the following reasons, to wit:

First. Because of gross irregularities and frauds committed in your interest and on your behalf at the election aforesaid in the Third, Fourth, Fifth, Sixth, Ninth, Eighth, Thirteenth, Sixteenth, Eighteenth, Nineteenth, Twenty-first, and Twenty-second wards, and in the other wards and precincts of the City of Cincinnati, which is a part of the said First Judicial District.

Said irregularities consisted of the absence of Judges and Clerks from their respective polls; that they did not sign their poll-books; that persons were excluded from the counting and from being present at the counting of said votes, who were entitled to be present.

Said frauds consisted of the voting of persons for you each oftener than one time, and in instances voting for you as often as five, ten, fifteen, and twenty times; and in persons voting for you who were not residents of the State of Ohio for one year last past, and by persons voting for you who had not lived in the said First Judicial District, to wit, the county of Hamilton, for thirty days last past, and by persons voting for you who had not lived in the wards in which they voted twenty days last past, and by persons voting for you who were residents of the State of Kentucky, and by persons voting for you who were residents of the State of Maryland, and by persons voting for you who were residents of the State of New York, and by persons voting for you who were residents of other of the States of the United States; in all to the number of seventeen hundred and fifty votes.

Second. Because the Judges and Clerks of the First, Second, Third, and Fourth precincts of the First ward, and the Judges and Clerks of the First and Second precincts of the Second Ward, and the Judges and Clerks of the First and Second precincts of the Third Ward, and the Judges and Clerks of the First and Second precincts of the Fourth Ward, and the Judges and Clerks of the several precincts of the Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-first, Twenty-second, Twenty-third, Twenty-fourth, and Twenty-fifth wards of the City of Cincinnati, counted in each of the several precincts aforesaid at least five more votes for you than you received in said precincts, and to the total number of two hundred and sixty-five votes, which, if deducted from your total vote as officially reported, would give me a majority of all the legal votes cast for the office which you claim.

Third. Because the Judges and Clerks of the precincts and wards aforesaid neglected and omitted to count for me votes in each of the precincts aforesaid, which, in the aggregate, amount to more than the number of the alleged majority you claim.

Fourth. Because the Judges and Clerks of the voting precincts of Anderson township, to wit, Anderson Northern, Central and Southern; Colerain township, Northern-precinct, and South-western precinct; Columbia township, Eastern precinct, Western precinct, Central precinct, and Oakly Station precinct; Crosby township, Delhi township, Eastern precinct and Western precinct; Green township, Southern precinct, North-eastern precinct, and North-western precinct; Harrison township, Miami township precinct; Millcreek township, North-eastern precinct, Winton Place precinct, Clifton precinct, Western precinct, Avondale precinct, St. Bernard precinct, College Hill precinct, Bond Hill precinct, and Riverside precinct; Springfield township, South-eastern precinct, North-eastern precinct, Western precinct, and Hartwell precinct; Spencer township, First precinct, Southern precinct; Sycamore township, Eastern precinct, Sharonville precinct, and Reading precinct; Symmes township, Camp Dennison precinct, Northern precinct; Whitewater township, Northern precinct and Southern precinct—counted for you in each of said precincts at least five votes more than you received to

the total number of at least one hundred and ninety votes, which, if deducted from your total vote, leaves you with a minority of all the votes cast for the said office of Common Pleas Judge.

And because the Judges and Clerks of the townships and precincts aforesaid neglected and omitted, and in many cases fraudulently neglected and omitted, to count or properly credit votes cast for contestant to the number of one hundred and thirty.

Fifth. Because there were cast for you at said election more than one hundred and thirty votes upon fraudulent ballots or tickets, and that the name of Joseph Cox was illegally omitted and erased from, and your name illegally inserted and voted at said eleotion upon ballots or tickets on which was printed the heading designated and used at said election by the Republican party, to the number of one hundred and thirty and over.

Sixth. Because in each of the several precincts of the Third, Fourth, Fifth, Sixth, Eighth, Thirteenth, Sixteenth, Eighteenth, Nineteenth, Twenty-first, and Twenty-second wards of said city and county, there were cast a larger number of ballots or tickets than there were names on the tally-sheet.

And because in each of said precincts there were a larger number of votes cast than there were legal voters in the said precincts, and said votes so illegally cast were cast for you.

Seventh. Because the said Joseph Cox received a majority of all the legal votes cast at said election for the said office of Judge of the Court of Common Pleas of said county.

You are hereby further notified that on the 14th day of November, 1876, depositions will be taken at the office of F. H. Rowekamp, on the north side of Court street, near Main street, in the City of Cincinnati, before Frank A. Dossman and F. H. Rowekamp, two Justices of the Peace in and for said county, and that the taking of the same will be continued from day to day until the same shall be completed.

JOSEPH COX,
By his attorneys,
STANLEY MATHEWS, [SEAL.]
BUCHWALTER & CAMPBELL. [SEAL.]

JOSEPH COX, Contestant, v. JUDSON HARMON, Contestee.

Now comes Judson Harmon, contestee, and files his written protest against the taking of any depositions in this case, a copy of which protest is hereto annexed and marked Exhibit A.

Peter Casey, of the county of Hamilton, State of Ohio, of lawful age, being first duly sworn by us as hereinafter certified:

Question. What is your name, age, and residence?

Answer. My name is Peter Casey, age seventeen years, No. 359 W. Third street.

Q. State whether you served any notice on Judson Harmon, Esq.; if so, when, where, and how did you so serve him, or where did you leave said notice, and what was the notice?

A. I served at notice a Mr. Harmon's office, on Saturday, the 14th of October. It was a notice to contest his election as judge of the Common Pleas Court.

Q. Do you know of any illegal votes cast for said Harmon at the election held on the 10th day of October, 1876; if so, how many and where were they cast?

(Objected to.)

A. I do not.

The further taking of this deposition is continued to the morrow between, the hours of 8 o'clock A. M. and 6 o'clock P.M.

F. A. DOSSMAN, J. P.
F. H. ROWEKAMP, J. P.

NOVEMBER 15, 1876.

The further taking of this deposition was this 15th day of November, 1876, at 4½ o'clock P.M., resumed pursuant to adjournment and agreement.

Counsel for contestee excepts to all further taking of testimony in this case, for the reason already specified in his protest, and in appearing does not waive any rights to the deposition upon all the grounds, both as to time, want of notice, or competency, or relevancy of the testimony.

Richard Rooner, of Hamilton county, of lawful age, being first sworn, states in answer to questions, as follows:

Q. What, if any, official position do you now hold in the city of Cincinnati, and how long have you held the same?

A. I am now the City Clerk of the city of Cincinnati—have held the position since April, 1874.

Q. Where are the ballot-boxes that were used in the city of Cincinnati on the 10th day of October, 1876, and where are the ballots that were cast at the said election, and where have they been, and in whose custody have they been kept since said election?

A. They are in a room provided for them by the committee on Public Buildings and Offices of the Common Council, adjoining the Council Chamber, in this city. They were kept in my office from the time of their return to me until about a week ago, when they were removed by me, or under my supervision, to the room above mentioned—always in my custody.

The further taking of this deposition is adjourned till 2 P.M., the 16th inst.

F. A. DOSSMAN, J. P.

NOVEMBER 16, 1876.

The further taking of this deposition was resumed this 16th day of November, 1876, pursuant to adjournment.

Q. What, if any, measures have been taken and enforced to preserve the same boxes and ballots intact, since their return to you? State in detail what measures you took to preserve them.

(Objected to by counsel for contestee.)

A. When the boxes were returned to my office, I caused to be pasted around the box a Manilla strip, joining the end of the strip at the key-hole. Over the joint I pasted a seal with my name and the name of the party bringing the box signed thereon; this being a paper seal, I also caused the corners of this seal to be sealed with sealing-wax. The boxes remained in my office until about a week ago, when I removed them to a room provided by the committee on Public Buildings and Offices. This room adjoins the Council Chamber. During the time the boxes were in my room they were guarded by a person well armed. The room in which the boxes now are has two locks upon the door and padlock upon the window, the keys whereof are in my possession.

Q. Who are the persons who remained in your office at night, and when were the bal-

lots changed from your office to the room where they are now, and what care was taken of them previous to the removal?

A. James Moore and M. McCaffery, the latter a private watchman of the neighborhood wherein the city buildings are situate. The boxes were removed from my office to the room mentioned on or about the 4th day of November. They were, in my office previous to their removal, watched by the parties named at night from the outside of the office, no one being permitted in my office at night.

RICHARD C. ROHNEN.

Thereupon, the contestant having notified the contestee that he had no further questions to ask, the contestee declined to cross-examine.

The further taking of these depositions are hereby adjourned till the 17th inst., between the hours of 7 o'clock A.M. and 9 o'clock P.M.

The contestee objects to the adjournment.

F. H. ROWEKAMP, *Justice of the Peace.*
F. A. DOSSMANN, *Justice of the Peace.*

NOVEMBER 17, 1876.

The further taking of this deposition is resumed this 17th day of November, 1876, pursuant to adjournment.

THOMAS O'MEARA—PROCURING ILLEGAL VOTES.

Thomas O'Meara, being first duly sworn, testified as follows in answer to questions propounded by contestant's counsel:

Q. State your name, age, and residence.

A. Thomas F. O'Meara, twenty-four years old, residence 208 West Fifth street, in the Eighth Ward of Cincinnati, Ohio.

Q. State whether or not you voted at the election held in this city on the 10th day of October, 1876; if so, what ticket did you vote, and what do you know, if any thing, about fraudulent or illegal voting at the said election.

(Objected to.)

A. I voted on said day the Democratic ticket at the first precinct of the Eighteenth Ward; I procured as much as two dozen of votes that I knew were illegal; that is about all I know about illegal voting.

Q. Who procured you to get the said parties to vote? What money, if any, did you receive for it, and from whom did you receive it, and what ticket did they vote?

A. Nath. Caldwell; I told him that I have to have some money, and he gave me so much as ten dollars. They voted the Democratic ticket.

Q. State the time you conversed with Caldwell, how he gave you the money—whether all at once or in separate lots, and state whether or not that was all the money you received; if not, from whom else did you receive money?

(Objected to by the contestee; also the previous questions.)

A. About 8 o'clock A.M. we had the first conversation. As I said before, I told him that I have to have money to work on; the first money he gave me was two dollars; he gave me money three or four times during the day; they paid five dollars and costs, being seven dollars, for a friend of mine, and through me; I received three dollars to pay board for a friend of mine.

Q. State what you said to Mr. Caldwell, and what he said to you at the time you first

received money from him for the procuring of Democratic votes in the election of the 10th of October, 1876.

(Objected to by contestee's counsel.)

A. Caldwell told me that if I got in any trouble he would take me out of it. There was a rumor circulating there that I was going to be arrested for intimidating voters. I went to N. Caldwell and told him of it; he told me to go to work, and if I was to get in any trouble he would see me out of it. I told Nath. Caldwell I could get votes for a drink of whisky, if he let me have some money to work on; then he let me have two dollars.

(Answer objected to for incompetency and irrelevancy.)

Q. Where did he next give you money after that two dollars?

(Objected to.)

A. Several times during the day, through another party.

Q. Where are you residing now?

A. I am residing in county jail.

Q. Upon what charge are you confined in jail?

A. For illegal voting.

Q. State whether or not you are acquainted with Duke Fleming; if so, where does he live, and state whether or not you saw him on election day, that is, on the 10th day of October.

A. No, sir.

Q. Where does the indictment allege that you voted on the 10th day of October, under which your are now held?

(Objected to.)

A. That I voted in the precinct of the Eighth Ward, on Elm or Plum street.

Cross-Examination.

Q. Give the names of the men whom you procured to vote at the first precinct of the Eighteenth Ward, referred to in your answer to the second question as having voted illegally.

A. I am unable to give any names at present.

Q. Did you know any of the men you procured to vote?

A. I know some by sight.

Q. How long had you known them by sight?

A. A month or so previous to the election.

Q. How do you know that those votes you procured were illegal?

A. When I accosted the parties I told them to put this ticket in, and they told me that they had no vote in this ward. I then told them to come with me and stick it in, and come and get a drink. They went down and put it in—some of them I offered two dollars.

Q. How many did you offer two dollars to, and now many took that amount or any other amount?

A. I offered it at least to a dozen. None of them took it; none of them got a cent. After they had the vote in I told them to go away or I would have them arrested for illegal voting, and they got out of the road as fast as they could.

Q. Did you furnish any of those persons a drink, or did you go back on that promise?

A. I gave three or four of them a drink.

Q. Where did you go with them to get a drink?

A. At G. H. F. Grone's, on Fifth street.

Q. Who was present when you drank, and who handed out the drinks to you?

A. There were several parties present. I was only acquainted with two of them. Mrs. Grone gave us the drinks. I believe it was William O'Shannessy and Henry Brown that were present.

Q. How did you know that those persons you procured to vote were illegal voters?

A. I answered that once before.

Q. You will now answer my last question fully.

A. When I asked those parties to vote they admitted they had no vote.

Q. Had you any other means of knowing that they were illegal voters except as they told you?

A. No, sir.

Q. Did you insist on them voting after they had informed you that they had no right to vote, and did they vote at your request afterwards?

A. I did not insist on them to vote; they voted upon my request after they had told me that they had no vote.

Q. Are you married or single?

A. I am a married man.

[The further taking of these depositions is now continued, by consent of parties, to November 18, 1876, at 2 o'clock P.M.]

F. A. Dossman, *Justice of the Peace.*

Now comes Judson Harmon, who has been duly declared elected one of the Judges of the Court of Common Pleas in and for the First Judicial District of Ohio, at the election held October 10, A.D. 1876, and appearing under protest, and for the purposes of the objections and exceptions hereinafter made only, objects and excepts to the taking of testimony or any other proceedings here or at this time, relating in any way to his said election to said office, or the alleged election of any other person to said office, for the following reasons, to wit:

First. Because no steps such as are required by law in cases of contests of election to said office have been taken by any person authorized so to do, and there is no contest of the said election of said Judson Harmon to said office begun or pending.

Second. Said Judson Harmon has not been served with any notice of contest of his said election to said office, nor has any such notice been entered or given as required by law in such cases.

Third. Even if such step had been taken, and such notice of contest given, so as to authorize the taking of testimony relating to such election, said Judson Harmon has not been served with any notice whatever of the time and place, or either of them, where and when such testimony would be taken.

Judson Harmon.

Cincinnati, *Novembsr* 14, 1876.

November 18, 1876—2 o'clock P.M.

The further cross-examination of the witness resumed.

Q. When were you married, to whom, and when were you married, and by whom?

A. I was married about the 5th day of June, 1873, in Covington, Kentucky, to Henrietta Stevenson, by Squire Francis.

Q. Where have you been living since that time?

A. I lived in Chicago seven months, in Indianapolis about one month, the balance of the time I have lived here.

Q. Where in the city have you lived since you came from Indianapolis?

A. At 24 east Fourth street, about fifteen months; at 357 East Sixth street; at No. 30 Perry street; at 208 West Fifth street.

Q. How long had you been living at 208 West Fifth street prior to the 10th day of October?

A. Over one year.

Q. Had not the party you married a husband living at that time, and did you not know the fact?

A. She claimed she had. I didn't know whether she had or not.

Q. What business have you been engaged in for one year prior to October 10, 1876?

A. Nothing.

Q. How have you supported yourself and wife?

A. My father supported me.

Q. Did you live with your father?

A. No, sir.

Q. Who paid the board of yourself and wife?

A. I did; part of the time my wife rented furnished rooms.

Q. Who gave you money to pay your board?

A. My father.

Q. How often did he give you money, and how much at a time?

A. He gave me money almost every day—some times five dollars, some times three dollars.

Q. How often have you been sent to the work-house from the police court?

A. About six times, more or less, probably more.

Q. When were you sent last time, and for what?

A. It was in the fore part of last August, on charge of drunkenness, for thirty days.

Q. What were you sent for the other times?

A. Drunkenness and loitering.

Q. Were you ever indicted and convicted of rape in the Court of Common Pleas?

A. Yes, sir.

Q. When was that?

A. Between eight and nine years ago.

Q. Have you ever been arrested for larceny?

A. Yes, sir.

Q. How long ago?

A. Last time, going on two years ago.

Q. How often have you been arrested for larceny?

A. About three times.

Q. Where were these arrests made?

A. In this county.

Q. Have you ever been in the penitentiary?

A. No, sir; I never got that far.

Q. Are you not here now in the custody of a United States Marshal?

A. Yes, sir.

Q. Have you not been brought from the jail to this place by a United States Marshal for the purpose of testifying?

A. Yes, sir.

Q. When were you confined in jail, and under what charge?

A. It has been about ten days ago.—under a charge of being an illegal voter.

Q. When were you arrested, and by whom?

A. I was arrested last Wednesday night a week ago, by officers Stewart and Doty.

Q. Did they have a warrant for your arrest, and by whom was the warrant issued?

A. They had a United States warrant issued for Rudolph and Crunan, from the United States Commissioner, Henry Hooper.

Q. How long after your arrest were you taken before the Commissioner?

A. About fifteen hours.

Q. Where were you during that fifteen hours?

A. In the Ninth street station house.

Q. Did you have an examination before Commissioner Hooper?

A. I waived examination.

Q. Did you have an attorney present?—if so, who was it?

A. Mr. Walter Cox was there first; Mr. T. C. Campbell afterwards.

Q. When were you first talked to about your testifying in this case?

A. I was the first one who spoke about it myself. It was almost noon, yesterday.

Q. Whom did you talk with about it?

A. Mr. T. C. Campbell.

Q. Where did the coversation take place?

A. In the county jail.

Q. Did you send for Mr. Campbell, or did he come to see you?

A. He came to see me about my case. I saw him down at court, and he promised to come up to the jail and see me.

Q. When did you first learn that depositions were to be taken in the pretended case of James Cox against Judson Harmon?

A. I first found it out about three days ago, in the Enquirer.

Q. State fully what conversation took place between you and T. C. Campbell, yesterday, about your testifying in this case.

A. I told Mr. Campbell that I could be of some benefit to him over here. He asked me in what respect. I told him about some votes that were polled in the Eighteenth ward. He said he would see me in the afternoon. In the afternoon the deputy came over after me.

Q. Is that all the conversation you had?

A. No, sir. I came over here and testified.

Q. Do you say, under oath, that that is all the conversation between you and Mr. Campbell?

A. Yes, sir—until I came over here.

Q. Had you a private conversation with Mr. Campbell after you came over here before you testified, and if so, what was that conversation?

A. I had a private conversation with Mr. Campbell. It was in regard to the votes in the Eighteenth ward. Mr. Campbell asked me what I knew about those votes, and I told him I could account for about two dozen. He asked me about who I received money from, and I told him. Mr. Caldwell asked me what I received it for. I told him it was for the purpose of electioneering.

Q. State what was said in that conversation, or any other conversation with him, about your defense or acquittal of the charges in the United States Court against you?

A. Mr. Campbell had charge of my case. My father told him to take my case. There was no talk about acquittal, or conviction, or any thing else. He was down there yesterday morning.

Q. Where did you vote on the day of election?

A. In the Eighteenth ward, in the lower, or first precinct.

Q. At what time did you cast that vote?

A. Between eight and nine o'clock.

Q. Did you vote at any other polls on that day?

A. I decline to answer that question.

Q. Why do you decline?

A. I am not obliged to answer any question that will convict me. It might criminate me, and it might not.

Q. Do you say that the answer to that question would criminate you?

A. I think it would.

[The further taking of this deposition is by consent adjourned to Tuesday, November 20, 1876, at two o'clock P.M., the contestee not waiving any rights but still insisting on the protest by him herein filed.]

F. H. Rowekamp, *Justice of the Peace.*

November 21, 1876.

Cross-Examination Resumed.

Q. State when and where you first saw the men you refer to in your examination in chief as having voted illegally?

A. I saw some on Fifth street; some further up toward Race and Vine; some towards Fifth and John. I went to the polls about half-past two o'clock A.M. I saw the men at different times during the day, forenoon and afternoon.

Q. Who was with you when you first met them?

A. Mr. Brown.

Q. Where were the men you speak of as having voted illegally when you gave them the tickets?

A. At the places mentioned where I met them.

Q. What did you do after you gave them the tickets?

A. They went on ahead of me, and I followed them to the polls.

Q. Did you see them vote, and where were you when they voted? How far from the polls?

A. I was standing at the gangway.

Q. Were any of them challenged?

A. Not to my knowledge.

Q. Can you swear positively they voted the ticket you gave them?

A. No, sir, I can not.

Q. Can you now recollect or give the name of any one of them?

A. No, sir.

Q. How do you know how many of them there were?

A. To the best of my knowledge there were two dozen.

Q. Did you have a subpœna in this case?

A. No, sir.

Q. Did you receive money from any person besides Mr. Caldwell?

A. Yes, sir.

Q. From whom? Give the names.

A. I don't know his name; he was a friend of Mr. Caldwell's. It was through him I got most of the money.

Q. Do you swear positively that the money was given to you by Mr. Caldwell and others for the purpose of buying fraudulent votes?

A. No, sir, I don't swear to that.

THOMAS F. O'MEARA.

By agreement of counsel for contestant and contestee, the further taking of testimony is adjourned until December 5, 1876, at 2 P.M., neither party waiving any rights or objections heretofore insisted on. This adjournment is made subject to the right of the contestee to call the witness Thomas O'Meara for further cross-examination, and the right of the contestant to reëxamine him.

F. H. ROWEKAMP, J. P.

By agreement of counsel for contestant and contestee, the further taking of this testimony is continued until Saturday, December 9, 1876, at 2 P.M., neither party waiving any rights or objections heretofore insisted on.

F. H. ROWEKAMP, J. P.

SATURDAY, December 9, 1876.

The taking of these depositions is resumed, pursuant to adjournment, on this 9th day of December, 1876, counsel for contestant and contestee both being present.

Edward F. Hall, of legal age, being first duly sworn, deposes and saith as follows:

Q. State your name, age, residence, and business.

A. E. F. Hall; I am twenty-four years old; I reside on Harriet street, No. 155, Cincinnati, Ohio; am a traveling salesman.

Q. How long have you been a resident of this place?

A. I have lived here near all my life.

Q. Have you parents living? If so, where do they reside? What business is your father engaged in? Have you relatives in this city? If so, what? Give their business.

A. I have a father living; he resides in Boston, Massachusetts; he is in the manufacturing of safes. I have an uncle and aunt and cousins here. My uncle is President of the Hall's Safe and Lock Company.

Q. Did you vote at the October election in 1876? If so, where, and what ticket did you vote?

A. I voted in the October election, on Ninth and Freeman, in the Twentieth Ward. I voted the Democratic ticket.

Q. State what you know, if any thing, about illegal or fraudulent voting in this city at the last October election.

(Objected to.)

A. I was met, in the latter part of September, by a man by the name of Burns. He asked me if I wanted to make some money on election day. I told him I did. He told me to meet a man on George and Central avenue, at eight o'clock, and it would be all right. On election day I met the party, as requested, and he told me that he would give me twenty-five dollars to show five men around to eight polls. I was paid the money and started with the men, first showing them the Eighteenth Ward poll, on Central avenue, between Fifth and Perry. Then I showed them them the Nineteenth Ward poll, on Third strtet, in the police station. From there we went to the Twentieth Ward, on Sixth and Freeman; from there to the Twenty-first Ward, on Sixth, in the old stock-yard; from there we went to the Twentieth Ward, Ninth and Freeman; from there to the Seventeenth Ward poll, on Ninth and Cutter; from there to Seventeenth Ward, George and

Cutter; from there to the Eighth Ward poll, on Race street, in the No. 1 engine-house. From there I left the men and went home.

Q. State, if you know, how many illegal or fraudulent votes were cast by this party of five men.

(Objected to.)

A. They voted at each poll, making forty votes.

Q. State what you know of the man Burns, who gave you the twenty-five dollars, and if you received money on that day from any one else. If so, how much?

A. I do not know any thing about Burns, as I never saw him before or since. I do not know who the party was who gave me the money, as I never saw him before nor since, nor did I ask his name. I did not receive any other money that day.

Q. Who were present with you, besides Burns, when you received the said twenty-five dollars?

A. I did not get the money from Burns. There was a party present when I received the money on Central avenue from the party I met on the day of election—it was Mr. Joe Davis. No other person was present but him.

Q. At what time of day was it that you received the money?

A. About eight o'clock in the morning of election day.

Q. Who are the five men you showed to the polls? What are their names? State all you know about them.

A. I do not know their names, nor did I find out; I never saw them before nor since; I do not know any thing about them.

Q. Where did they go, after leaving you, on the day of said election? Have you seen them since? If so, where?

A. I do not know where they went after leaving me; I have not seen them since.

Q. What ticket did they vote at the several polls you have mentioned? State, if you know, and how you know.

A. They voted the Democratic ticket. How I know I had the tickets in my hand, and when we got to each poll they asked me for tickets, and I gave them each one; they folded them up and went to the polls and voted.

Q. Did they have any other tickets than the ones you gave them? State positively if you know.

A. I did not see any other tickets in their hands during the day.

Q. Would you have seen them if they had others? How many tickets each did you give them at each of the several polls?

A. I think I should. I gave them each one.

Q. Describe particularly what they did after you gave them the tickets at each of the polls, and whether or not they had any tickets in their hands after returning from each of the several places where the votes were cast?

A. When I gave them the tickets they folded them up and started to vote; they went to the same window that the other people voted at, and when they came back they did not have any in their hands.

Q. Was this process repeated by each of the said five men at each of the several voting precincts that you have named?

A. It was.

Q. State, if you know, how much money these men received, if any, and who gave it to them.

A. I do not know how much money they received, nor do I know who gave them the money,

Q. Did they receive any money? State if you know.

A. I do not know. I did not ask them.

Q. Describe these men, as well as you can, their appearance, etc.

A. I can not describe them, as I did not take any personal inspection of them.

Q. What more do you know of illegal or fraudulent voting on the 10th day of October, 1876, than what you have already stated? Give it fully.

A. I do not know of any thing else about illegal voting that day.

[The contestee objecting to all of the above questions and answers, and, still insisting to all objections previously made, proceeds to cross-examine.]

Q. Whereabouts have you resided in the city of Cincinnati for the last five years, giving the name of street and number of street?

A. I have for the last five years resided in the city of Cincinnati: the first place was 118 Mill street; then on George street, between Cutter and Mound, I don't remember the number; from there I moved to 363 Richmond street; from there I generally, when I came in town from off a traveling trip, stopped at some of the hotels; then when I went to rooming again I lived at 317 West Eighth street; and then from there I moved to where I am now residing, 155 Harriet street.

Q. Are you married or single?

A. I am a single man.

Q. When did you commence the occupation of traveling salesman, and for what firm? How long did you continue with said firm, and what salary did you receive, and how was it paid?

A. I first commenced the occupation of traveling salesman about nine years ago. I first commenced with my uncle, Jos. L. Hall; firm's name was Hall's Safe and Lock Company; I traveled for them about eight years; I received a salary of $100 a month, with an extra commission of ten per cent. at the end of the year; I received my salary when I thought to draw it.

Q. When did you cease traveling for the Hall Safe and Lock Company, and why did you cease traveling for them?

(Objected to as incompetent.)

A. I left traveling for the Hall's Safe and Lock Company I think it was in February, 1874. I left to go to travel for Diebold & Norris, safe manufacturers, of Canton, Ohio.

Q. How long after you left Hall's Safe and Lock Company did you commence with Diebold & Norris, and how long did you continue with them? Where is their place of business? Did you make the engagement with them or their agent, and was the contract in writing or verbal? How were you paid, and how much did you receive from them for services?

A. I think it was near two months after quitting the Hall's Safe and Lock Company before I commenced with the Diebold & Norris Company. I remained with them over a year; I made the contract with Mr. John A. Groom, son-in-law of Mr. Diebold; he was their agent here; their place of business was at 138 West Second street; the contract was first in writing, then afterwards verbal; the first contract was, I was to receive so much on the amount of sales I made, to be made after I made my first trip for them. The verbal was I was to receive fifty per cent. on all sales made by me.

Q. Where does Mr. Groom reside, and where is his place of business?

A. He did reside over in Covington, Kentucky; his place of business in on Second street, between Race and Vine.

Q. How much of your time did you spend out of the city, and in what territory did you travel?

A. I only spent a few days here when I would come home; sometimes I would stay a day, sometimes for two days. I traveled in Ohio, Indiana, and Illinois.

Q. How long a time would you be gone on your trips?

A. I would have no special time appointed; whenever he would have any orders he would write for me to come home, and then would send me out again.

Q. Did you only go out when Mr. Groom ordered you to go?

A. Him or his brother, Henry Groom.

Q. What did they order you to do?

A. They would, if they had any letters or telegrams from parties wanting safes, they would give them to me and tell me to go and tend to them, and then would lay out a trip to drum up and try and sell some safes.

Q. What was the amount of sales made by you during the time you were with them?

A. I can not now state, as I never made an actual count of the whole amount I made altogether.

Q. Can you approximate the amount?

A. No, I could not.

Q. Was it $10,000?

A. I could not state.

Q. Was it less or more?

A. That I could not tell, for I never kept an account of them. I only kept the amount of safes sold when on each trip.

Q. About how many safes did you sell for them?

A. That I can not tell exactly.

Q. Give somewhere near the number.

A. I think near about forty.

Q. What would be the amount of your salary and commission on that number of safes? State as near as you can.

A. I can not state exactly, as every safe was of different size; some were worth more, some less. I don't know what the amount would be, never calculating.

Q. Did your salary and commission during that time amount to one thousand dollars?

A. I never added it up. Whenever I wanted any money I would draw it, and that would end, so I never knew how much a year I made.

Q. Please answer my question. Did your salary during that time amount to one thousand dollars, or more?

A. I do not know.

Q. What other means of support had you during that time besides your salary?

A. I had no other means.

Q. Were you in the habit of spending your salary as fast as you earned it?

A. I was not.

Q. How much were you in the habit of saving each year, and what did you do with the savings?

A. I was in the habit of only using what I needed for my personal use, such as paying for my board and lodging when in the city, and for my clothes, and an extra spending for going to places of amusement, and cigars; the balance I saved; I always kept it about me; I do not know how much I actually spent; I would try and save out of every trip I made about twenty dollars.

Q. Did you actually save that much, and how many trips did you make?

A. I did not actually save that much on every trip, but it amounted to that; some trips I would save less, and some times more; I made about five trips during my engagement.

Q. State as near as you can the month and year you left their employ.

A. It was in the year of 1875, near the month of November.

Q. What business have you been engaged in since that time, and where have you been?

A. I have not been in any particular business; I have done a few odd jobs in selling a safe or two on commission, when I got a chance.

Q. For whom, and how many have you sold?

A. I have sold three or four for Hall's Safe and Lock Company, and for myself.

Q. Where have you spent your time during the last year?

A. At no particular place, to mention.

Q. Mention any place.

A. I could not mention any place particular, as I would be at one place, and then at another.

Q. What place would you be at?

A. I was most always home, unless I would take a walk up town.

Q. Where did you generally go when you came up town?

A. Some times to Phil. Tieman's billiard-rooms; some times I did not go to any place off the street; some times to places of amusement.

Q. What places of business were you in the habit of visiting during that time, and how often did you go to any of them?

A. I did not visit any places of business in particular, only when I thought I could get employment; I can not remember the places now, nor do I know how often.

E. F. HALL.

The further taking of this examination adjourned until Monday at 10 o'clock, December 11, 1876.

F. H. ROWEKAMP, *Justice of the Peace.*

MONDAY, December 11, 1876.

Examination resumed pursuant to adjournment, contestee not waiving any right or objections heretofore made, or any right of objection.

Q. What other business have you ever been engaged in than what you have mentioned?

A. I have not been in any other.

Q. Have you not been engaged in the gambling business in this city or elsewhere?

(Objected to by contestant's counsel as incompetent and irrevelant.)

A. I decline to answer.

Q. Why do you decline to answer?

A. Because it might criminate me.

Q. Are you not now, and have you not during the past year been engaged or employed at a gambling-house in this city?

(Objected to.)

A. I decline to answer.

Q. Why do you deline to answer?

A. For the same reason as given in the previous answer.

Q. Why do you not for the same reason refuse to answer the questions asked you in chief about your connection with illegal voting?

(Objected to.)

A. I do not know.

Q. Think awhile, and then tell your reason.

(Objected to.)

A. I have no reason, as I did not have time to think before I was brought up to testify.

Q. How was you brought up to testify, and by whom?

A. I was sent for by Mr. T. C. Campbell to come to see him; I did so; he asked me what I knew of illegal voting, and I told him I did not know any thing; he then told me that he had positive proof that I did, and that if I did not tell he would have me subpœnaed, and then if I did not then tell he would have me arrested and prove that I did. I held off for four days, and he sent for me again and told me he was going to subpœna me, and I had better come up willingly; so I consented.

(Answer objected to.)

Q. He said, then, did he, that if you would come and testify as he requested he would not have you arrested?

(Objected to.)

A. He did not say that he would not, as there was nothing said after I consented.

Q. Why did you consent, then, to tell voluntarily what would criminate you, if it was not on the assurance that you should be protected if you did so?

(Objected to.)

A. I did not think whether any thing would criminate when I came to testify.

Q. What made you think of it when asked if you had been engaged in the gambling business?

(Objected to.)

A. I had not thought any thing of it. When the question was asked in another deposition I refused to answer, when the 'Squire said if I did not want to answer I might say it might criminate, if that was the fact.

Q. Do you mean to say you did did not know when you was first examined in the case of Kiebborth *vs.* Bernard as to your connection with illegal voting that your testimony would criminate you?

(Objected to.)

A. I did not.

Q. Do you mean to say that when you received money to show the same men to eight different voting places at the October election, and gave them tickets to vote at each one, you did not know you was doing an illegal act under the laws of Ohio?

A. I did not know I was doing any illegal act.

Q. You knew the men you were with were doing illegal voting, did you not?

A. I did know they were.

Q. And you mean to say you thought it was not illegal in you to aid and assist them by showing them where to vote, and giving them tickets to vote with?

A. I did not think I was aiding or assisting them, or doing any thing criminal in showing them the polls. I only gave them the tickets when they asked for them.

Q. Why, then, was you frightened into testifying when Mr. Campbell said he would have you arrested if you did not?

(Objected to.)

A. I did not know there was law that would put a man in trouble for showing men around to polls until I was told by him.

(Answer objected to.)

Q. Then why did you say just now that you did not know that fact when you was first called to testify about your connection with illegal voting in the case of Kiebborth *vs.* Bernard?

A. I did not know, nor do I know now, only what he told me about aiding and assisting being criminal.

Q. He told you that before you was first called to testify in Kiebborth *vs.* Bernard, had he not?

(Objected to.)

A. He only told me what I have already stated, that he would have me arrested for aiding and assisting.

Q. Well, he told you that before you was first called to testify, did he not?

A. He did.

Q. Then why did you say a while ago that when you was first called to testify about your connection with illegal voting you did not know you had done any thing illegal in doing what you had to aid and assist persons in illegal voting?

A. I did not know, nor do I know now.

Q. Then why was you alarmed into testifying about it voluntarily by Mr. Campbell's threat of having you arrested for it?

(Objected to.)

A. I do not know why, but I gave my consent before I thought.

Q. I thought you said you waited four days before giving your consent?

A. I did wait, but I did not think any thing about it being criminal, only I was alarmed about being arrested.

Q. Then it was to avoid being arrested upon the assurance of some one that you came to testify, was it not?

(Objected to.)

A. It was.

Q. Upon whose assurance was it?

A. It was upon Mr. Campbell's assurance that he would not have me arrested that I came.

Q. Have you ever been arrested before you were arrested after testifying in the Kiebborth case on November 29, 1876? If so, how many times, and upon what charge or charges?

A. I was arrested on the 7th of September, 1875, for false pretenses, and was dismissed without any trial, as the charge was false. It was the only time I ever was arrested in my life.

Q. What is your business now, and what has it been for the last five months?

A. I have no employment, and have not been engaged in any thing for the past few months.

Q. How do you make a living—support yourself?

A. I have been paying board with what money I had. When I wanted any I would send to my father in Boston for some, and he has sent it to me.

Q. Why did you not make this answer when my last question was asked you in the case of Kiebborth *vs.* Bernard?

A. I think I did say that I got money from my father in the referred question.

Q. Did you not at first decline to answer that question when asked you by Mr. Kramer in that case, and afterwards say, "By paying for whatever I get?"

A. I did.

Q. Why then, I ask again, did you not make the same answer then as now?

(Objected to.)

A. Because I did not think I was bound to tell into my personal affairs.

Q. Who first spoke to you about doing what you did on election day?

A. I was spoken to by a party by the name of Burns.

Q. When, where, and what did he say? Give it in full.

A. It was on Vine street, near Fifth, in the latter part of September. He came to me and asked me if my name was Hall. I told him "Yes." He asked me if I wanted to mak any money on election day. I told him "Yes." He told me to meet a party on George and Central avenue on the morning of election day, and it would be all right. Then he left me.

Q. Is that all he said? and what did you say in reply to what he last said?

A. That is all. I said I would be there.

Q. Who next spoke to you about the matter?

A. No one until I met the party on election day.

Q. What took place then? State fully all that was done and said when you met them on the corner of Central avenue and George street.

A. I was on the corner of George and Central avenue, when a party came to me and asked me if I knew any body by the name of Hall. I told him that was my name. He then told me that he would give me $25 if I would show five men around to eight polls. I said I would do it, and he gave me the $25; and the men were standing on Central avenue, below George. He went, and I spoke to them then. I went with them, he going up George street towards Plum street.

Q. How far were these men away?

A. I think about one hundred feet.

Q. Who was this man?

A. I do not know him, as I never saw him before nor since.

Q. Describe him.

A. He was a man about thirty years old, had on dark clothes, wore a light moustache, and I think he had on a light overcoat—I am not positive.

Q. Was that all that took place or was said between this man and you on the corner of George and Central avenue on that occasion?

A. All that I know of.

Q. How do you know the man you first saw was named Burns? Did you ever see him before or since?

A. I never saw him before nor since. The only way I know his name was Burns was, when I was leaving him a party called him and holloaed "Burns," and he stopped.

Q. Who was that party?

A. I do not know him.

Q. Describe this man you call Burns, and the one who called him that.

A. I took a slight inspection of him. He was a man of large proportions, had side whiskers cut close, and had on a dark suit of clothes. I can not describe the other party, as I only looked at him when he called him.

Q. Give the names of the men you say you showed around to the polls and gave tickets to.

A. I can not give the names, having never heard them.

Q. Under what name did they vote?

A. I can not remember.

Q. Can you remember not one of them?

A. I think I can remember two of them—they were L. Shaffer and M. Green.

Q. Did you give those names in answer to similar questions in the other contested election cases in which you have lately testified here?

(Objected to.)

A. I did.

Q. At what places did they vote under those names?

A. I think in the Eighteenth ward—I won't be positive.

Q. Are these the only names you remember?

A. They are.

Q. How do you come to remember these and no others?

A. I don't know how I only remember those names. I had the names on paper, but could not find the paper, and thinking over these names happen to come into my head.

Q. What names were they you put on paper, and how did you come to put them on paper, and when did you do it?

A. The names were those that I heard when given in. I don't know how I came to put the names on paper, only I thought I would write them down. I had no particular reasons.

Q. Do you mean to say you put down all the names they gave every time they voted?

A. I do not.

Q. What part of them did you put down, and how many?

A. I don't remember what part, only the few that I heard when challenged. I don't know how many were down, as I did not count them.

Q. Can't you give an idea how many?

A. I can not.

Q. Do you mean to say you only put down the names of some that you heard challenged?

A. I only put down what names I heard when challenged.

Q. You did not hear all the names they gave when challenged—I mean you did not hear the name each one gave every time he was challenged?

A. I did not.

Q. How many were refused the right to vote, when challenged, of those you saw challenged?

A. I did not see any refused.

Q. How many were challenged—I mean how many challenges were made during the day, counting the entire party?

A. That I can not say.

Q. About how many?

A. I can not say.

Q. Twenty times?

A. I can not exactly state.

Q. State as near as you can. Were there more or less than twenty?

A. Having not counted them, I could not state whether there was twenty, or more or less.

Q. What has become of the paper you put the names on?

A. I don't know. I have looked for it three or four times since I made the statement in the examination of the Keibbrtoh case, but can not find it.

Q. When and where did you last see it?

A. The last time I saw it was about three weeks ago. It was lying on the mantle-piece in the front room where I reside.

Q. What was it there for? Who put it there?

A. It was there for no special purpose, as when I returned home on election day I had it in my hand folded up, and as I came in I threw it there and left it there.

Q Did it have any heading or memoranda showing what it was—where the names were?

A. It did not.

Q. Did you write the names down as you heard them? What kind of paper was it, and where did you get it?

A. I did write the names down as I heard them. It was a plain piece of white paper. I do not exactly remember where I got it. I think I picked it up on the sidewalk.

Q. How big was it?

A. I don't know exactly. I think it was about as big as a half sheet of letter p It was a common piece of printing paper.

Q. Were the names written on both sides, or only one?

A. Only one, I think.

Q. When asked by Mr. Kramer, in the Keibbroth-Bernard contested election case where this paper was, why did you refuse to answer?

(Objected to.)

A. I did not refuse to answer.

Q. Did you not at first refuse to answer Mr. Kramer's question where the paper was, and then afterward, in answer to another question, say you did not know where it was?

A. I did not refuse to answer Mr. Kramer where the paper was. I refused to answer because I did not understand his question until he explained it. Then I told him it was home.

Q. What did you do with the paper when you last saw it on the mantle-piece, as you say?

A. I did not touch it. I only saw it there, and left it lay there.

Q. Why, then, did you tell Mr. Kramer, in the deposition I just referred to, that no one but you could get it or find it?

(Objected to.)

A. Because there was no one in the house would know what they meant if asked for it, as I don't know whether they knew what it was.

Q. You say it was about 8 A.M. that you met these five men. What time was it that you left them?

A. It was near three o'clock.

Q. Were you with them during all the time between 8 A. M. and 3 P. M.?

A. I was not right in their company, but they were always in sight.

Q. Did you take them to the various polls you say you took them to in the order in which you have named them in your examination in chief?

A. I did.

Q. Did you go directly from one poll to the other?

A. Not directly.

Q. What did you do and where did you go in the meantime?

A. I would sometimes stop at some of the polls or stop to speak to some one.

Q. I mean did you go right to the next poll after leaving the last one?

A. I think so.

Q. In going from one poll to the other, did you go with the five men, all together?

A. They were always together, or may be in couples.

Q. Well, were you with them in going from one to poll to another? Did you go together?

A. I was near always in front, so that they could see me.

Q. How far in front?

A. I don't know exactly; may be about fifteen or twenty feet.

Q. Where did you go for dinner? Did you stop any where for drinks or lunch?

A. I did not go to dinner, nor did they. I did not stop for drinks, nor did I see them stop.

Q. You do not mean to swear positively, of your own knowledge, that all of these men voted at every voting-place you took them, do you?

A. The only positive knowledge I have is that the men, which I did not see vote, is that they took the tickets and folded them up and went to the same window that the other voters did, and when they came back they did not have any tickets in their hands, and I feel positive they voted.

Q. Can you swear positively, of your own knowledge, that they did all actually vote at each of the eight voting-places, and that they voted the tickets you gave them?

A. That is the only positive knowledge I have; that is, of those I did not see.

Q. How many of them did you actually see vote?

A. I can not actually state, as I did not count.

Q. Please describe these five men?

A. I can not describe them, as I did not take any personal inspection of any of them.

Q. How is it you are able to describe the man you call Burns and the man who gave you the money, when you saw them only once each, and then only a few minutes, and can not describe these men whom you were with from 8 A. M. to 3 P. M.?

(Objected to.)

A. The reason I could describe Mr. Burns is because he approached me when I was not looking for it, and there was some money to be made. The men I had nothing to make out of them, so I did not care how they looked.

Q. Where did you part from these men, and which way did they go?

A. I departed from them on the corner of Fifth and Race. I do not know which way they went.

Q. What did they say when they saw you putting their names on the piece of paper?

A. They did not say any thing. I don't know whether they saw me or not. They did not speak of it.

Q. You say you carried the paper in your hand all the time, do you not?

A. I did.

Q. When you came up to any of these voting-places with these five men did you see any persons you knew? If so, whom, and at which place?

A. I saw some persons I knew, but I don't remember of only a couple of them that I spoke to. They were Mr. Sol. Hill, at the Seventeenth Ward poll, Ninth and Cutter, and Mr. George Estep, at the Nineteenth Ward poll, on Third street.

Q. Did they see the five men with you, too?

A. I don't think they did.

Q. What determined your mind in selecting the polls you would take these men to?

A. I had not any determination. I did not know until the morning of the election what I was going to do to make the money. When I started I only took them to the polls as they came to my mind at the time.

Q. Do you still swear that you did not know during all the time you were showing these men around to voting-places and giving them tickets to vote that you was doing an illegal act?

(Objected to.)

A. I did not know I was doing an illegal act, or I would not have done it.

Q. Did you think the twenty-five dollars was given you for seven hours' lawful employment?

(Objected to.)

A. I did not think.

Q. What do you mean by that?

A. I mean that the money was offered to me, and I did not think that I was doing any thing unlawful, so I took it.

Q. Did you converse with these men as you went around with them?

A. I did not have any conversation with them.

Q. None at all?

A. I may have answered some questions asked; nothing else.

Q. Did you talk over any plan of action with them, or have any arrangement as to your and their action in the event of any thing happening or you getting separated?

A. I did not.

Q. There were large crowds around each of the polls, were there not, when you got there that day?

A. There was at a good many of the polls.

Q. At which of them was there not a crowd, if any?

A. I do not remember now.

Q. How did you manage to keep from separating from the men and to get together again when you did after getting into these crowds?

A. I generally stood so they could see me or one or two of them, and when they got done they would come over where I was.

Q. Where is the engine-house on Race street, the voting-place of the Eighth Ward?

A. It is situated on the northeast corner of Race and Commerce streets, on the east side of Race, below Third.

Q. Did you not, in your cross-examination in the case of Kiebborth v. Bernard, by Mr. Kramer, refuse to tell him, in answer to a question where the paper you say you put the names of the men challenged on, where said paper was, until the magistrate required you to answer and tell?

A. I did refuse to tell him until the magistrate required me to.

Q. Why did you so refuse?

A. I had no particular reason, only that I did not know exactly where it was myself.

Q. Did you ever show this paper to any one? If so, whom?

A. I don't think I did.

Q. Did you hear the names given by all these men you have spoken of every time they voted?

A. I did not hear every name given.

Q. Was not the reason why you did not hear all the names because you could not always get near enough? Did you not so state in the Kiebborth case?

A. It was the case.

Q. Did you not also say in that case to Mr. Kramer that the way you knew the men voted when you did not see, was that you had their word for it?

A. It was. I did say so.

Q. I thought you said you had no conversation with them?

A. I did not. I only heard them saying it to each other after voting.

Q. How did they come to say that, if no one asked them?

A. I don't know how they came to say so, only when each one met, the other would say, Did you vote?

Q. Then you never asked any of them whether they had voted or not?

A. I did not.

Q. Did you or did you not aid and assist the five men you have mentioned in voting at the eight polls you have named, on the 10th day of October, A.D. 1876, at the State and county election then held at said polls?

A. I did not aid or assist them in any way. If they voted, it was all right; if they did not, I did not care.

Q. Then you do not consider showing them where to vote, and giving them tickets to vote at eight different places on the same day, aiding and assisting them to vote?

A. I do not consider it aiding and assisting—showing them to the polls and giving them the tickets. I did not, only when they asked for them.

Q. How did you come to give them the tickets one at a time, and not all together in a bunch?

A. I don't know the reason, only I had a few when they asked me at each poll, and I would give them to them, and when I would see any one I knew with tickets, I would get some more.

Q. Who did you so get tickets from, and where?

A. I don't remember now.

Q. How do you know the men voted the tickets you gave them?

A. The only positive proof I have is that when they took them they folded them up and had them in their hands, and went to the window where the tickets were taken in, and when they came back they did not have any in their hands; and I think they voted the tickets I gave them.

Q. Did you not, in answer to a similar question to my last, by Mr Kramer, in the case of Kicbborth vs. Bernard, above referred to, say, "I have only their word that they voted the tickets I gave them?"

A. I did answer that question that way.

Q. Was that answer true?

A. The answer was true.

Q. Did you not say in the same case to which I have just referred, on cross-examination, that Mr. T. C. Campbell promised to get you off if you would come and testify and was arrested?

A. I did not say that Mr. Campbell would get me off if I would come and testify. I said that Mr. Campbell said he would protect me if I was arrested.

Q. Did you not say in said last named case, on your cross-examination, that you did not see these men deposit any of the tickets you gave them at all?

A. I did not see any of the tickets deposited. I said so.

Q. You have stated all that was said to and by you in the conversations between you and Burns and you and the man who gave you the money, have you?

A. I have. E. F. Hall.

The further taking of this testimony is now adjourned until Tuesday, December 12, 1876.

F. A. Dossmann, J. P.

TUESDAY, *December* 12, 1876.

The further taking of these depositions is resumed, pursuant to adjournment, on this 12th day of December, 1876, at 10:25 o'clock.

Joseph M. Davis, of legal age, being first duly sworn, deposes and saith as follows:

Q. State your name, age, residence, and business.

A. My name is Joseph M. Davis; I reside at 155 Harriet street, Cincinnati, Ohio; twenty-seven years of age; and business, a painter by trade.

Q. How long have you lived in this city, where did you vote at the October election of 1876, and what ticket did you vote?

A. I have lived in this city about twenty-four years. I voted at the Twentieth ward polls—voted the Democratic ticket.

Q. Are you acquainted with Edward F. Hall? If so, how long have you known him?

A. Yes, sir; I am acquainted with him; have known him about nine years.

Q. Did you meet him on the day of the last October election, October 10, 1876, and if so at what time of the day, or how much of the day were you with him?

(Objected to as leading and incompetent by contestee's counsel.)

A. We slept together the night before; had our breakfast, and went up to the Twentieth ward and voted; from there we went to George street and Central avenue. It was about eight o'clock A. M. when we got there. We remained there together about twenty minutes. Then I met him about half-past one o'clock at the Nineteenth ward polls.

Q. Does Hall live or board at the same place you do?

A. Yes, sir; he boards and rooms with me, at my mother's.

Q. State if you saw Hall receive any money on the day of said election. If so, how much; at what place, at what time, and from whom?

A. I saw him receive some money on George and Central avenue election morning. He told me it was $25.00. I don't know who the party was that gave it to him; I never saw him before. It was a little after eight in the morning, a few minutes.

Q. Who else were present when you saw Hall receive the money?

A. The man that gave the money was the only one besides myself and Hall that I saw.

Q. Did you see Hall again in the afternoon? State if you know whether he received any money from any other party than the one you have mentioned.

A. I saw him about half-past four o'clock on Sixth street, near Vine. I don't know that he received any more money.

Q. State if you know any thing about illegal or fraudulent voting at said election.

A. No, sir; I do not.

Counsel for contestee, not waiving any objections or exceptions heretofore made, i. any right of objection or exception, proceeded to cross-examine.

Q. You say you are a painter by trade. Are you eagaged in that business now?

A. I was within two or three weeks. I have no work now. I done a day's work at it Friday.

Q. For whom were you last working at that trade, and how long?

A. I was for a little over three years for Daniel Manle, No. 731 Freeman street.

Q. Are you a comrade of E. F. Hall's in the evenings, and when not engaged at your trade?

A. I have been for nearly three months, since he has roomed with me, and I used to go with him and his brother five or six years ago.

Q. At whose request did you come here to testify?

A. I got a subpœna.

Q. At whose request did you come when you first testified in these contested election cases pending here?

A. I didn't come at any body's request. I came up to hear the trial, and a subpœna was served on me here in the office.

Q. Did you not tell some of the contestants, or their counsel, that you knew of some thing you could testify to?

A. I did not.

Q. Did you not tell Hall, or did he not ask you?

A. George Campbell, brother of T. C. Campbell, attorney for contestants, asked me what I knew, and I told him nothing except I saw Hall get some money election morning.

Q. This was after Hall had testified, was it not?

A. It was the second day he testified. I saw it in the paper that morning.

Q. How near were you to this man who gave Hall the money while he and Hall were talking?

A. I was up against the corner of the house, and they were out by the lamp post, across the pavement.

Q. Did this man who gave Hall the money see you there?

A. I don't know whether he did or not. I had no conversation with him.

Q. What kind of a looking man was he; describe him?

A. I can't do that, only that he had on a dark-gray suit of clothes. I can't describe his face or person.

Q. Did he have on an overcoat?

A. No, sir, I don't think he did; I am positive he didn't.

Q. How long did this interview between him and Hall last?

A. A few minutes; not long.

Q. Did you not say in your cross-examination in the Kiebborth *v.* Bernard case that you could give no description of this man?

A. Only the description I have given.

Q. Did you give that description in tbat case?

A. I believe I said he had on a gray suit of clothes.

Q. Are you positive you did?

A. I am pretty positive. I wouldn't swear to it. I think pretty positively I did in one of the cases.

Q. Did you not say in the case I have named that you was in the presence of Hall and this man at that time about an hour?

A. No, sir, I did not.

Q. Look at your answer in that case to this question, "How long were you in the presence that time of Hall and the man?" which I now show you. Is not the answer, "About one hour"? and is it not in your own handwriting?

A. Yes, sir, but that question is about Hall. I meant I was with Hall that morning about an hour after leaving the house.

Q. After the man left Hall did you and Hall come together again, or did you leave them together?

A. Yes, sir, we came together again.

Q. Where did you then go after you came together?

A. We walked a few steps up the street to Central avenue, and then he turned and went down Central avenue.

Q. Did you see or count the money you say the man gave Hall?

A. I saw the money in his hand; I did not count it.

Q. Whose hand?

A. Hall's.

Q. Then you did not aetually see the man hand Hall the money?

A. Yes, sir, I saw him hand him the money.

Q. Then, when asked whose hand you saw it in, why did you only say "Halls"?

A. I supposed you meant Hall.

Q. Did the man count out the money te Hall?

A. I did n't see him eount it.

Q. How did he hand it to him, then?

A. In a roll.

Q. What did Hall do with it when the man handed it to him?

A. He held it in his hand uutil after he left me; then I don't know what he done with it.

Q. Do you know what this money was given to Hall by the man for?

A. I didn't know at the time.

Q. When did you find out first, and how, if at all?

A. Right here in this room, the day I first heard Hall testify in the Kiebborth case.

Q. When Hall and the man had this interview, which of them faced you, and whieh had his back to you?

A. I think neither of them had his back right to me. Hall had his face more to me than the other man did. I don't remember exactly their position.

Q. Give the parliculars of your and Hall's first meeting this man that day, and what was said.

A. We were standing on the corner—me and Hall—and the man came up and spoke to Hall. I don't know what he said. I think he asked his name. I am not certain, though.

Q. Then, what?

A. Then they went off and went to talking.

Q. How long before this had you left home with Hall?

A. About seven o'clock A.M. This was about eight.

Q. When you met Hall again, about 4½ P.M. that day, was it by appointment or aceidentally?

A. I don't know.

Q. Which way were you each going?

A. I was going east, to a paint shop, and Hall was standing there looking over at the erowd at the engine-house on Sixth, near and west of Vine.

Q. Where was Hall standing?

A. He was on the north side of Sixth s'reet, west of Vine—nearer Vine than Race. No one was with him.

Q. When did you and he first go from there?

A. We first went to the shop, a few steps from there, and looked in; then we went home and had supper. We walked home.

Q. In walking home from where you was, is Harriet street east or west?

A. West.

Q. Which way did the man go when he left Hall, after giving him the money that morning?

A. I think he crossed over to the west side of Central avenue. I won't be positive.

Reëxamination.

Q. When you were at the corner of George and Central avenue, on the morning of the October election, with Hall and the man who gave him the money, did any thing occur to eause you to notice particularly the dress and appearance of this man?

(Objected to by counsel for contestee as leading and incompetent.)

A. No, sir. there wasn't—only him calling Ed. away from me.

Q. When you state that he had on a dark-gray suit of clothes, do you state this positively? If so, what circumstances caused you to do so?

(First objection repeated.)

A. I said he had on a suit of gray; I couldn't take an oath that it was a dark-gray suit; I think it was.

Q. Did you hear this man's name on said morning?

(Objected to as leading and not reëxamination.)

A. I don't know whether I heard on that morning or not; I've heard it since.

Q. Are you positive that this man referred to gave Hall a roll of bills at the time you have stated?

(Objected to as leading and incompetent.)

A. Yes, sir, I am.

Reëxamination by Counsel for Contestee, making the same Reservations as before.

Q. You say you have since heard this man's name, who, you say, gave Hall the money on George and Central avenue that morning, as you have related; what is his name?

A. Burns.

Q. Where did you hear it?

A. Here in the office.

JOSEPH M. DAVIS.

Alexander Campbell, of legal age, being first duly sworn, testifies as follows:

Q. State your name, age, residence, and occupation.

A. My name is Alexander Campbell; age, forty-eight years; residence, 119 Mound street, Cincinnati, Ohio; my business is that of a merchant.

Q. State if you voted at the last October election, held October 10, 1876; and if so, where?

A. I voted in the Seventeenth Ward, First Precinct.

Q. What part of the day were you at the polls?

A. All day.

Q. State what you know, if any thing, about illegal or fraudulent voting at said election.

(Objected to as incompetent and irrelevant.)

A. I was a member of the challenging committee. About three o'clock in the afternoon a man by the name of Pat. Morrissey came up to vote. Myself and Pickering challenged his vote. He swore he lived on Ninth street, between Linn and Cutter. The second day after the election I found out he did not live on that street; he lived on Richmond street, in the Sixteenth Ward, No. 130, north side.

Q. Did he vote, and what ticket?

(Objected to as leading and incompetent.)

A. He voted the Democratic ticket—voted open; I saw it plainly.

Q. Was he married or single?

A. He was a married man.

Q. State how you know he was not a legal voter at the time of the October election in the Seventeenth Ward.

A. About two or three days after the election I found out he did not live on Ninth street, and then I went to Richmond street, No. 130, and found he lived there; his wife described him to me. I afterwards saw him coming out of this house. I know him well—have known him since 1861.

Q. How long had he lived at 130 Richmond street?

A. His wife told me a week or two—couldn't be positive.

(Objected to as hearsay and incompetent.)

Q. Had he for three months before the said election lived on Ninth street, where he swore he lived, or at any time had he lived here?

(Objected to as leading.)

A. The neighbors told me, along there, that they didn't know of such a man living there at any time.

(Objected to as hearsay and incompetent.)

Q. Does the man Morrissey still live in Richmond street? Was he arrested for illegal voting? State what you know about it, and how you came to inquire about his residence.

A. Yes, his family still lives there, I understand. I had a warrant sworn out for his arrest before the United States Court; gave it to the Deputy Marshal (United States).

Q. State if you know any thing more of illegal voting at said election.

A. Nothing more but hearsay.

Counsel for contestee, not waiving any objections, or exceptions, or right thereto, proceeds to cross-examine.

Q. Is not your knowledge of where Pat. Morrissey lived, when you inquired after the election, based on the result of inquiries only?

A. No, sir.

Q. Upon what is it based, then?

A. My knowledge that he was not a voter in our ward, and I took pains to find out.

Q. How did you find out where he lived?

A. By inquiries. I inquired on Ninth street, and was told that he didn't live there, but that he lived on Richmond street. I went there and saw a woman who described her husband to me, and said she was the wife of Pat. Morrissey. She said he lived there; that they hadn't lived there long—about a week or so; I am not positive how long. I afterwards saw him coming out of the house there on Richmond street.

Q. Is that the only way you know where he lived then?

A. Yes, sir, it is.

Q. Can you swear, of your own knowledge, where Pat. Morrissey lived on election day?

A. No, I can't. I can swear to my best knowledge he didn't live in the Seventeenth Ward.

Q. The only way you know where he lived *at that time*—election day—is by inquiring and from what was told you in answer to inquiries, is it not?

A. Yes, it is—from what I learned from his wife and others.

Q. How do you know the woman you saw was his wife?

A. She told me so, after I described her husband.

ALEXANDER CAMPBELL.

The further taking of this deposition is adjourned until December 13, 1876, at 2 P.M.

F. H. ROWEKAMP, J. P.

DECEMBER 13, 1876.

The taking of these deposition is resumed, pursuant to adjournment, on this 13th day of December, 1876.

W. H. Anshutz, being duly sworn, testified as follows:

Question. State your name, age, place of residence, and business.

Answer. My name is W. H. Anshutz. I live at 477 Freeman street, Cincinnati, Ohio; am thirty-eight years old; private watchman.

Q. Did you vote at the last October election, October 10th, 1876? and if so, where did you vote?

A. I voted in the Twenty-third ward.

Q. What portion of the day were you present at the polls?

A. I was there most all day.

Q. Were you one of the judges at said election, or a member of the challenging committee?

A. I was one of the challenging committee.

Q. State what you know, if any thing, of illegal or fraudulent voting at said election?

A. I don't know of any one who actually voted illegally. I know there was a man who came there pretty early in the morning, and tried to swear in his vote. When I asked him how long he had lived in the ward and he said he had only lived there ten days, and I asked him how long he lived in the State, and he said he had only lived in the State ten days.

Q. Did this man of whom you speak swear in his vote? And what vote did he cast?

A. He had a Democractic ticket, but he did not vote. The judge told him to take his ticket and go. It was not put in the box.

Q. State if you know any thing further of illegal voting at said election?

A. No; I do not.

Counsel for contestee decline to cross-examine this witness.

W. H. ANSHUTZ.

The further taking of this deposition is now adjourned until Thursday, December 14th, 1876, at 2 o'clock P.M.

F. A. DOSSMAN, *Justic of Peace.*

DECEMBER 14, 1876.

The taking of this deposition is resumed, according to adjournment, this 14th day of December, 1876.

J. C. Hart, being first duly sworn, testifies as follows:

Question. State your name, age, residence, and occupation.

Answer. J. C. Hart; age, twenty-four year; residence, Twenty-first ward; occupation, practicing attorney-at-law.

Q. State what official relation, if any, you had with the election held in this State and county on the 10th of October, 1876.

A. I was one of the judges of election in the Twenty-first ward, second precinct.

Q. State what you know, if any thing, about illegal or fraudulent voting at said election, and give the names, if you know, of any who voted illegally?

A. I know of at least three, viz: Thomas Larkin, who has been convicted in the United States Court, and awaits sentence on the conviction of illegal voting in our ward. The next one is William McCormack, who, offering to vote in October, was challenged and question was put to him by myself, "Are you native born or naturalized?" He answered, "Naturalized"—and I asked the further question, Can you produce your papers for the inspection of the judges? and he answered, "In five minutes" and then stepped off the gangway but returned immediately and swore that he had been naturalized, but that his papers had been destroyed, and his vote was taken. Again, in November, I also being one of the judges, he offered to vote, but was challenged, and then produced papers bearing date Novemeer 6th, 1876, issued by the Probate Court, and was arrested by warrant

of the United State Commissioner. The next one is L. S. Hanks, who voted at our polls a few moments after Larkin, who said in his testimony in the case of United States *v.* Larkin that he lived at 69 Dalton avenue and voted in the Twenty-second ward. He now is under arrest, and his case was set for hearing to-day, but was continued until the 23d inst. His name appears on our tally-book No. 1,131, and, from the number, supposed his vote was cast about 4 o'clock P.M.

The parts of the forgoing answer which are heresay and which relate to proceedings, etc., in Probate and United States Court, objected to by counsel for contestee.

Q. State, if you know, what ticket these persons voted at said election, and how many times they voted at said October election, and where, if you know.

A. The ticket I do not know. I know only once of their voting in the precinct at which I was judge.

Q. Do you know whether or not said Larkin voted at said election in any ward other than the Twenty-fiirst?

A. Larkin lived on Betts street, in the Fifteenth Ward. It was stated in Larkin's case by his attorney, M. F. Wilson, Esq., that he lived in the Fifteenth Ward and there voted, as he was entitled to do.

Last sentence of answer objected to as hearsay by counsel for contestee.

Q. State if you know anything further pertaining to illegal or fraudulent voting at said October election.

A. Not any more that I now remember of.

The further taking of this testimony in the foregoing deposition is adjourned until Friday, the 15th day of December, 1876, at 10 o'clock A. M.

F. A. Dossman, J. P.

December 15, 1876.

The taking of this deposition is resumed, according to adjournment, this 15th day of December, 1876, at 10:30 o'clock, when the deposition of J. C. Hart is resumed.

Q. After having had time to consider the last question, you may now state if you know any thing further about illegal voting than what you stated yesterday.

A. Not any thing.

Counsel for contestee, waiving no rights, or objections, or exceptions, or right thereto, but reserving the same as heretofore, proceeded to cross-examine.

Q. Are you acquainted with the three men, Larkin, McCormack and Hanks, referred to in your examination in chief?

A. Not personally, but by sight very well.

Q. Do you know, personally, where these persons, or any of them, lived at the time of the October election you speak of?

A. I did not know on the election day where they lived. I only know by inquiries made from different sources since the election, and by what Hunks said in the United States Court. I have no other knowledge except as I have already stated.

Q. Do you know personally any thing about McCormack being native or foreign born, or about his being naturalized or not?

A. I have no personal knowledge. My knowledge is derived from what he said on the day of election. McCormack was discharged by the Commissioner for illegal voting.

Q. Do you mean that upon his examination before United States Commissioner, upon the charge for which he was arrested, as detailed in your examination in chief, he, McCormack, was discharged?

A. Yes.

Q. Is it not a fact that the men you have mentioned are all Republicans, and voted the Republican ticket at the election in October to which you refer?

A. I do not know how they voted or what ticket.

JOHN C. HART.

B. P. Doun was then called by contestant, and being first duly sworn, deposes and saith as follows:

Q. State your name, age, residence, and business.

A. My name is B. P. Brown, age 59 years. I reside at Mt. Pleasant, Springfield township, Hamilton county, Ohio. I am a carpenter and builder.

Q. State if you voted at the general election held in this State and the county of Hamilton, on October 10, 1876, and if so, where did you vote, and what position, if any, did you hold at the polls?

A. I voted at the election on the 10th of October, in the Western precinct of Springfield township, Hamilton county, Ohio. I acted as one of the judges.

Q. State if you know any thing of illegal or fraudulent voting at said election, and if so, state all you know about it.

Objected to as incompetent and irrelevent.

A. As one of the judges I received the vote of Thomas Ryan, which was an open Democratic ticket—not suspecting at the time any thing wrong. Shortly after the election I was told that he was not a citizen. At the November election, 1876, I again acted as one of the judges. Mr. Ryan presented himself again as a voter. His vote was challenged. He then produced his naturalization papers, which bore date of November 4, 1876.

Objection made by counsel for contestee to such parts of above answer as relate to what witness was told as hearsay, and to contents of naturalization papers as test evidence.

Q. Are you acquainted with said Thomas Ryan? and if so how long have you known him?

A. I am slightly acquainted with him, and not intimately; have known him for six or seven years in this way.

Q. Did he vote at the November election, 1876?

A. Yes, sir; after he produced his papers.

Q. State if you know any other illegal or fraudulent voting than what you have mentioned.

Objected to as irrelevant and incompetent.

A. A man by the name of Samuel Fisher voted. I was told that he was not a citizen since the election, or rather not an American born citizen I should say. Upon examining the records of the Probate Court of Hamilton county, Ohio, I there learned that one Samuel Fisher procured his naturalization papers on the 31st day of October, 1876. The witness in connection with getting the papers, Thos. Evitt, Esq., led me to believe that he was the same man who voted at the October election. The witness and Mr. Fisher, to my knowledge, were acquaintances.

Answer objected to as hearsay and not test evidence, and incompetent.

Q. State if you know what ticket said Fisher voted at the October election.

A. I could not positively state that. I saw him distribute Democratic tickets all day at the polls.

Counsel for contestee, making the same reservations as heretofore, proceeded to cross-xamine.

Q. Have the two men, Fisher and Ryan, ever voted before in your precinct? If so, for how long a term of years, and how often?

A. I could not say how often or how long. They have both lived in that precinct a number of years, and frequently voted. So far as I know, they were generally recognized as voters. No question was ever raised before, so far as I know. I have frequently before acted as judge of election there.

Q. Can you testify of your own knowledge that Thomas Ryan, the man you speak of, or that Samuel Fisher, the other man you speak of were foreign born citizens, and that if so they had not been naturalized before said election, in October, 1876?

A. I can only say as to their being foreign born, I only have hearsay. As to Mr. Ryan, he produced his papers upon which he voted at the second election; that is the only way I know.

Q. Is it not a fact that men who have been naturalized years ago in other States and lost their papers, often get out new papers here when their votes are questioned?

A. I have heard of that being done. I know nothing of it.

Q. Do you mean that this man Samuel Fisher you speak of as having voted in your precinct is the same man whose name you say saw in the records of the Probate Court, as having taken out his papers October 31, 1876?

A. No, sir; I do not. B. P. Doun.

A. C. Horton, called by contestant on the afternoon of December 15th, being first duly sworn, deposes and saith as follows:

Q. State your name age, residence, and business.

A. Alonzo C. Horton; age, 40 years; residence, Avondale; business, real estate broker, 98 West Third street, city.

Q. State if you know James L. Slevin, and where he has resided during the last year, or such portion of it as you know.

A. He has resided in Covington, Ky., No. 109 West Fourth street, since June, 1876. I know James L. Slevin personally.

Q. State how you know that he has resided as you say in Covington, Ky.; whether or not he is a married man, and if so, does his family reside in Covington, and have they there resided as you state?

A. He rented the premises above specified from me for his own use as a residence, and has paid me the rent monthly ever since. I only know from his own statement that he is married. Himself and family reside, and have resided, in the above stated premises since June, 1876.

All of the above questions and answers thereto objected to for all purposes.

A. C. Horton.

Charles S. Slevin was then called by contestant, and being first duly sworn, deposes and saith as follows:

Q. State your name, age, place of resicence, and business.

A. James S. Slevin; age, 38 years; reside at No. 109 West Fourth street, Covington; of the firm of J. J. Slevin, in liquidation.

Q. State where you have resided during the past year, and if out of the State of Ohio, where was it, and how long?

A. Partly in and partly out of the State of Ohio. While out of the State of Ohio it was temporarily in Covington, Ky., where I am now, No. 109 West Fourth street.

Q. State of whom you rented, and the time you rented the house.

A. I rented the house from A. C. Horton, and payed him from month to month. Have no lease. It was in July, 1876.

Q. State when you moved with your family to Covington, Ky.?

A. In July, 1876.

Q. Have you since resided there?

A. Yes, sir.

Q. Did you vote at the election held in this State and county October 10, 1876? and if so, where, and what ticket did you vote, the Democratic or Republican?

A. I voted in the 16th Ward, Cincinnati, Ohio. I voted a closed ticket.

Q. Was this ticket a Democratic or Republican ticket?

A. The ticket was headed Democratic.

Counsel for contestee, making the same reservations as heretofore made, and waiving no rights or objections, or right thereto, proceeds to cross-examine:

Q. Where did you reside up to the time you became of age?

A. I was born in Cincinnati, Ohio, and resided there until I became of age.

Q. Where have you resided since you became of age?

A. In Cincinnati, up to July, 1876.

Q. Have you ever voted in any other place except in Hamilton county, Ohio?

A. Never.

Q. Have you ever offered to vote in any other place except Hamilton county, Ohio?

A. No, sir.

Q. In what portion of said county of Hamilton did you reside and vote for one year previous to July, 1876?

A. The 16th Ward of Cincinnati.

Q. Have you been absent from the State of Ohio within the year next preceding October 10th, 1876?

A. I was absent for about three months.

Q. When you left, did you leave for a temporary purpose, with the design of returning, or for the purpose of remaining away?

A. I left for a temporary purpose, with the design of returning; I left with the purpose of returning just as soon as I could. I did not leave for the purpose of remaining away.

Q. Did you, while absent, look upon and regard this State and the city of Cincinnati as your home?

A. I did, and told numbers of people so?

Q. Did you, while so absent, vote in any other State?

A. I did not.

Q. Was there any election held in the State of Kentucky while you were so there for temporary purposes, between July and October, 1876?

A. There was a State election.

Q. Where were you doing business during the months of July, August, September, and October, 1876?

A. In Cincinnati, Ohio, No. 213 West Fourth street.

Q. How long had you been doing business prior to your temporary removal from Cincinnati to Covington, as above referred to?

A. I think it was three or four months.

Q. Where had you been doing business prior to that time?

A. Nos. 102 and 104 W. Pearl street, Cincinnati; before that at 71 W. Pearl street, and on Main street in said city for years before that.

Q. What kind of business were you engaged in at all these places?

A. Wholesale dry goods, as J. J. Slevin & Co. (last firm name); and since last February the firm has been in liquidation.

Q. You say in your examination in chief, in answer to your first question, that you reside at No. 109 West Fourth street, Covington, Kentucky. How do you reside at that place?

Oh! (by contestant.)

A. I mean I was there for temporary purposes only—just as if I were at Paris, or the Springs, or some such place.

Q. State how you came to leave your residence in Cincinnati for Covington, and under what circumstances and for what purpose.

A. The house I lived in in Cincinnati was mine, but in the firm's name. It was sold by the trustees of the creditors, and I had to vacate in thirty days. During that time I looked all over the city and the hills around for a house with cheap rent, and a suitable house. I didn't have as much money as I used to have. I couldn't find one to suit here, so I took this in Covington temporarily until I could find one here. I have since then been looking all the tiime for a house here in Cincinnati.

Re-examination.

A. Did you state to any one at the time you rented these premises in Covington, or have since residing there, whether or not you moved there for temporary purposes? and if so, to whom have you made such statements?

A. I did state so, both before I went there and since, and during the time I was there. I so stated to Thomas B. Paxton, previous to going, to John T. Follis, ex-member of the Legislature, W. W. Brown, A. P. C. Bonte, Tom. Cullen, Dr. J. J. Quinn, and a number of others.

JAS. L. SLEVIN.

The further taking of depositions adjourned until Saturday, December 16th, 1876, at 2 P.M.

F. A. DOSSMAN, J. P.

DECEMBER, 16, 1876.

The further taking of these depositions is resumed, per adjournment, on this Saturday, December 16th, 1876.

Thomas Coughlin, being called by contestant's counsel, and being first duly sworn, deposes and saith, as follows:

Q. State your name, age, place of residence, and business.

A. My name is Thomas Coughlin; age thirty-six years; reside at 171 Locke street; business, laborer.

Q. State where you voted at the election held in this State and county on the 10th of October, 1876, and whether or not you were present at the counting of the votes at the First Precinct of the Fourth Ward polls.

(Objected to.)

A. I voted at the Fourth Ward polls, First Precinct, at the October election—I think it was on the 10th day of October, 1876. I was present from 11 o'clock P.M. until they got through in the morning—I think it was about 3 o'clock in the morning following the day of election.

Q. State, if you know, who the judges and clerks of the election were at said polls—the First Precinct of the Fourth Ward—and if so, name them.

A. The judges were George Duffy and Daniel Duffy, and a man by the name of Jones

—don't know his first name—Republican judge. The clerks were William Pierce and George McClusky.

Q. Which of these clerks was Democratic and which Republican? State if you know.

A. Pierce was the Republican clerk and McClusky the Democrat.

Q. State who was tallying the votes, if you know.

A. McClusky was tallying when I first got in, at 11 o'clock. About half past 11 o'clock he asked Dan Finn if he would tally for him awhile. Then he (Finn) sat down and tallied until they got done counting.

Q. Was Finn, of whom you speak, sworn in to act as clerk?

A. That I couldn't say. He wasn't sworn in while I was there, when he took his seat.

Q. Were you present when he took his place and began to keep tally in place of McClusky?

A. Yes, sir.

Q. State whether or not any of the judges and clerks of said election at the polls you have mentioned were in an intoxicated condition; if so, give their names. Were they all present duirng the time you were there?

A. They were not intoxicated. All were present.

Q. State, if you know, what McClusky was doing while Dan. Finn was keeping tally for him.

A. Sitting on a chair, in the corner, asleep.

THOMAS COUGHLIN.

(Counsel for the contestee objects to all of said testimony, as incompetent and irrelevant, and as not responsive to the issue.)

The further taking is adjourned until Monday, December 18, 1876, at 10 A.M.

F. A. DOSSMAN, *Justice of the Peace.*

MONDAY, December 18, 1876.

The further taking of these depositions is resumed, according to adjournment, on Monday, December 18, 1876.

Asbury Morrow, being first duly sworn, deposeth and saith as follows:

Q. State your name, age, place of residence, and businesss.

A. My name is Asbury Morrow; am sixty years old; reside in Lewis county, Missouri; and am in the patent-right business.

Q. State if you voted at the election held in the State of Ohio and Hamilton county on the 10th day of October, 1876; and if so, where did you vote?

A. I did not vote at all; never voted in my life in the State of Ohio, and have not voted any where for four years.

Q. State if you know of any illegal or fraudulent voting in Hamilton county, Ohio, at said election; and, if so, state what it is.

A. I do not know any thing beyond what I have read in the papers.

ASBURY MORROW.

The further taking of these depositions adjourned until Tuesday, December 19, 1876, at 10 o'clock A.M.

F. A. DOSSMAN, *Justice of the Peace.*

DECEMBER 19, 1875.

The further taking of these depositions is resumed this 19th day of December, A.D. 1876, at 5 o'clock P.M.

Maurice Sussman, of lawful age, being first duly sworn, testifies:

Q. State your name, age, residence, and occupation?

A. My name is Maurice Sussman; I have nothing to do now; I am a machinist; age, 35 years, and reside at 29 West Seventh street, Cincinnati.

Q. Did you vote at the election held in this State and county October 10, 1876? and if so, where?

A. In the second precinct of the Sixth ward.

Q. State if you know any thing of illegal or fraudulent voting at said election; and if so, state what it was?

A. I don't know of any. I challenged men all day, probably seventy-five. If they couldn't swear in, they walked away. Some I challenged because I did not know them. There are so many boarding-houses and hotels in our ward, that I was careful to challenge all I did not know, and who were transient people, as I thought.

MAURICE SUSSMAN.

These depositions are adjourned until December 20, 1876, at 2 o'clock P.M.

F. A. DOSSMANN, *Justice of the Peace.*

DECEMBER 20, 1876.

The taking of these depositions is resumed per adjournment on this Wednesday, the 20th day of December, 1876, at 2:30 P.M.

Theodore Bolland, being first duly sworn, deposes and saith as follows:

Q. State your name, age, residence, and business.

A. Theodore Bolland; age, thirty-two years; residence, 61 Dayton street; business, carriage painter, 869 and 871 Central avenue.

Q. State what you know, if any thing, of illegal or fraudulent voting at the election held in the State of Ohio and Hamilton county on the 10th day of October, 1876.

A. I know that a man by the name of Florence Lorentz voted illegal at the first precinct of the Fourteenth Ward on the 10th of October election. His vote was challenged, and he swore it in, and was arrested and found guilty in the United States Court of illegal voting. I know he was no resident of the Fourteenth Ward.

(Part of answer relating to conviction in United States Court objected to.)

Q. State if you know what ticket said Florence voted at the said October election, the Democratic or Republican?

A. He voted the straight Democratic ticket.

Q. State if you know any thing more than you have stated of illegal or fraudulent voting at said October election; if so, give it.

A. That is all I know.

THEODORE BOLLAND.

H. H. Hanover, being called by contestant's counsel at 2:40 o'clock, December 20, 1876, and being first duly sworn, deposes and saith as follows:

Q. State your name, age, residence, and occupation.

A. H. H. Hanover; age, twenty-four years old; residence, 138 West Sixth street; occupation, railroad mail service.

Q. State what you know, if any thing, of illegal or fraudulent voting in Hamilton county, at the election held in the State of Ohio and Hamilton county on the 10th day of October, 1876.

A. I know that Charles or Frank Mahor, or Charles or Frank Mayor, voted in the Second precinct of the Eighteenth ward in October; he also voted in Connersville, Indiana, at the same election. This man is the one convicted in the United States Court for illegal voting in November, 1876.

(Part of answer relating to conviction in United States Court objected to.)

Q. State, if you know, where said Mahor or Mayor voted at said October election, and what ticket he voted, the Democratic or the Republican.

A. Charles Moyer voted in the Second precinct of the Eighteenth ward, and he voted the straight Democratic ticket.

Q. You say "Charles Moyer voted." Is this the name of the person you meant, in answer to the second question asked you?

A. Yes.

Q. State, if you know, where said Charles Moyer lived at the time of the said October election.

A. I don't know where he lived. He made an affidavit that he lived in Connersville, Indiana, and voted on the strength of it. As I said before, he was convicted, on the face of the affidavit, in the United States Court, in November, 1876.

Q. State if you know of any others who voted illegally at said October election, and if so, name them, and state what you know about it.

A. Frank Westjohn. I know that he voted in the Second precinct of the Eighteenth ward, and he lived in the First precinct of the Eighteenth ward.

Q. State if you know what ticket he voted.

A. I don't know what ticket he voted; I know he usually votes, or has voted, the Democratic ticket.

Counsel for Judson Harmon, making the same reservations as heretofore, proceeds to cross-examine.

Q. How do you know Charles Moyer made an affidavit that he lived in Connersville?

A. I saw the affidavit.

Q. Do you know his handwriting?

A. I do not.

Q. How do you know, then, it was his affidavit?

A. It had his name attached to it, and it was proven it was his handwriting.

Q. Then you don't know that it was his affidavit yourself, do you?

A. The only way I know is the way I have stated.

Q. Are you personally acquainted with him?

A. No, sir.

Q. How do you know, then, that he voted in the second precinct, Eighteenth Ward, as you have stated?

A. I knew him when he came to vote. He used to keep a saloon corner George and John, and I knew him by sight.

Q. How do you know he voted in Connersville?

A. The only way I know is by the affidavit he made.

Q. How do you know he voted the Democratic ticket?

A. I seen it.

Q. How did you come to see it?

A. I seen the man he got it from.

Q. How do you know he voted the Democratic ticket?

A. I seen him walk up and get a ticket from a man before he came up to the gangway. He walked up the gangway folding the ticket, and handed it to the judge, and the judge deposited it in the ballot-box.

Q. You still do not say how you know it was the straight Democratic ticket. Did you read or inspect it?

A. I didn't read or inspect it. It was headed Democratic ticket, and there was only one Democratic ticket about then that I know of. I saw the heading on it, "Democratic Ticket," as he was folding it up.

Q. Are you prepared to swear that he was not a legal voter of the second precinct of the Eighteenth Ward when he so voted?

A. No, sir.

Q. Was you on the challenging committee of the Republican party?

A. Yes, sir.

Q. Did you challenge him?

A. No, sir; I didn't know he had sold out his saloon.

Q. You say you are in the United States postal service?

A. Yes, sir.

Q. How many illegal Republican votes do you know of cast at the October election, 1876?

A. Not one.

H. H. HANOVER.

The further taking of depositions adjourned until 10 o'clock A.M., December 21, 1876.

F. A. DOSSMANN, *Justice of the Peace.*

CINCINNATI, OHIO, December 21, 1876.

The further taking of these depositions is resumed pursuant, to adjournment, at 12 o'clock M., the 21st of December, 1876.

W. F. Mitchell, being first duly sworn, deposeth and saith as follows:

Q. State your name, age, residence, and business.

A. My name is W. F. Mitchell; age forty years; residence 337 West Sixth street, Cincinnati, Ohio. I am a railroad policeman, in the employ of the Cincinnati, Hamilton and Dayton Railroad Company.

Q. State what you know, if any thing, of illegal or fraudulent voting at the October election, held in the State of Ohio and Hamilton county on the 10th day of October, 1876. Give the name of any so voting, if you can, and the facts connected with it.

(Objected to by counsel for Judson Harmon.)

A. Well, I know of one illegal vote. His name is John Thomas, or he so gave his name. He voted at the first precinct of the Eighteenth Ward. When he attempted to vote I challenged his vote. He swore that he was a naturalized citizen, and lived at 223 West Fifth street. The judge took the ballot and put it in the box. I was satisfied that the man was an illegal voter, and pursued him and captured him. He acknowledged that he was not a naturalized citizen, and had no vote. He voted the Democratic ticket—straight as far as I know. He is now in jail, and under indictment for illegal voting. I know that the man is no resident of this city or county from his own statements to me.

(Parts of answer relating to statements of John Thomas to witness, and indictment of said Thomas, objected to.)

Counsel for Judson Harmon, making the same reservations as heretofore, proceeds to cross-examine.

Q. Do you know any thing outside of what said John Thomas told you about, whether he was naturalized or not?

A. Nothing.

Q. Do you know any thing about where he lived at the time he voted except what he said?

A. No. I learned that he was a wanderer—a beggar. I saw him begging that night after the election. I inquired at 223 West Fifth street, where he swore he lived, and found he did not live there.

Q. Is that a boarding-house?

A. Yes, furnished rooms are kept for rent; it is a boarding-house.

Q. How big a building is it?

A. There are four stories I think; stone-front house.

Q. Of whom did you inquire whether he lived there?

A. Of the boarders.

Q. Of how many?

A. I asked six or eight people in that house.

Q. You have no other source of information upon this point, then, have you, except what these persons said in answer to your inquiries?

A. No, sir, except his own statements; Thomas' I mean.

Q. Were these statements made to you by Thomas after you arrested him while he was in your custody?

A. Yes, sir; I never had any conversation with him until then.

Q. Was there a reward offered at said election for the arrest and conviction of illegal voters?

A. Not that I know of; there might have been.

Q. Did you not hear of such reward being offered?

A. I did not.

Q. Did you not say in answer to Mr. Kramer, upon cross-examination in the case of Kiebborth vs. Bernard, that you had heard of such reward being offered?

A. I told him there had generally been a reward offered, but didn't know any thing about it at this election.

Q. Who employed you to arrest this man?

A. I did it upon my own responsibility, knowing he had voted illegally.

Q. You mean *thinking* he had voted illegally, do you not?

A. It was very evident from his actions and manners.

W. F. MITCHELL.

THURSDAY AFTERNOON, December 21, 1876.

Frank Lorentz, being first duly sworn, deposeth and saith as follows:

Q. State your name, age, residence, and business.

A. Frank Lorentz, No. 831 Central avenue; notary public and coal dealer; age, 31 years old.

Q. State if you know Florentz Lorentz, and, if so, how long you have known him, and where he lived on the tenth day of October, 1876, if you know.

A. I have known Florentz Lorentz about twenty years. He lived on the tenth of October, 1876, at No. 356 Hamilton Road, in rear of said number, which is the first precinct of the Twelfth Ward.

Q. How long before the tenth of October, 1876, had he lived where you state he lived on the tenth?

A. Seven days before the tenth day of October.

Q. State if you know where said Lorentz voted at the October election, 1876.

A. I don't know.

Q. Where is Florentz Lorentz now, if you know?

A. I don't know any further than he is in jail; heard he was, don't know. Didn't see him there since he was indicted.

FRANK LORENTZ.

The further taking of these depositions is now adjourned until Frlday, the twenty-second day of December, 1876, at ten o'clock A.M.

F. A. DOSSMAN, *Justice of the Peace.*

CINCINNATI, OHIO, December 22, 1876.

The further taking of these depositions is now resumed on behalf of contestant, and Frank Westjohn, being first duly sworn, deposeth and saith as follows:

Q. State your name, age, place of residence, and business.

A. Name, Frank Westjohn; 24 years of age; live at 297 West Fourth street; an ivory merchant.

Q. State if you voted at the October election, held in this State and county on the tenth day of October, 1876; and, if so, where did you vote, and what ticket did you vote?

A. I voted at the second precinct, Eighteenth Ward. I voted the Democratic ticket.

Q. State in what ward and precinct you lived at the time time of said election.

A. In the first precinct of the Eighteenth Ward.

Q. Did you vote more than once on said tenth day of October? If so, state how many times, and where?

A. I only voted once.

Q. Are you now convicted of illegal voting?

A. I am.

Making the same reservation as heretofore, counsel for Judson Harmon proceeded to cross-examine.

Q. How long had you resided where you lived on October 10, 1876?

A. Two years next June.

Q. How long had you lived in the said Eighteenth Ward?

A. About ten or eleven years.

Q. In which precinct of said ward had you always voted, if at any previous, to said October 10, 1876?

A. I had always voted at the same place I did October 10, 1876—the George Street Engine House.

Q. Where were you born, and where have you ever since lived?

A. In Cincinnati, Ohio.

Q. Did you also vote in the first precinct of the Eighteenth Ward on October 10, 1876?

A. No, sir.

FRANK WESTJOHN.

The further taking of depositions adjourned to December 23, 1876, at 10 A.M.

F. A. DOSSMAN, *Justice of the Peace.*

DECEMBER 23, 1876.

The taking of these depositions is resumed this twenty-third day of December, 1876, pursuant to adjournment. Whereupon Ephraim Morgan, being called by contestant, and being first duly sworn, deposeth and saith as follows:

Q. State your name, age, residence, and business.

A. Ephraim Morgan; 28 years old; Cincinnati, Ohio; United States ganger.

Q. State if you know any thing of illegal or fraudulent voting at the election held in the State of Ohio and Hamilton county on the tenth day of October, 1876, and, if so, give the names of the person or persons so voting, and the place or places where they voted.

A. I do. "Nobby" Larkin voted illegally in the second precinct of the Twenty-first Ward, and has been convicted of that offense in the United States Court.

[Answer objected to.]

Q. State if you know where said Larkin resided at the time of said October election, and whether or not he resided in the second precinct of the Twenty-first Ward.

A. I think he resided in the Fifteenth Ward. He was not a resident of the Twenty-first Ward.

Making the same reservations as heretofore, counsel for Judson Harmon proceeded to cross-examine.

Q. Do you know for whom Nobby Larkins voted?

A. No, sir.

Q. How do you know he voted? Did you see him vote?

A. I am not positive I saw him put his ticket in. I know he voted.

Q. How do you know he voted?

A. I was told by the judges; Mr. Hart was one of them.

Q. Do you know Nobby Larkins?

A. No, sir.

Q. Do you know where he lived October 10, 1876?

A. No, not of my own knowledge.

Q. Then you do not know of your own knowledge that he did live in the second precinct of the Twenty-first Ward, do you?

A. I know he did not live there.

Q. How do you know it?

A. I am pretty well acquainted down there, and know most every body in the ward.

EPHRAIM MORGAN.

The further taking of these depositions is now adjourned until the twenty-sixth day of December, 1876, at ten o'clock A.M.

F. A. DOSSMANN, *Justice of the Peace.*

CINCINNATI, OHIO, December 26, 1876.

The taking of these depositions is resumed this day, pursuant to adjournment. Whereupon John L. Murray, being called by contestant, and being first duly sworn, deposes as follows:

Q. State your name, age, residence, and business.

A. John L. Murray; aged 34 years; reside at 207 Oliver street; occupation, commission agent.

Q. State if you voted at the election held in the State of Ohio and Hamilton county on the tenth day of October, 1876; and, if so, where? Also, what position did you hold at said election of a public nature, if any?

A. I voted at the second precinct of the Twenty-third Ward on day and date named; was challenging committeeman at same ward and precinct.

Q. State what you know, if any thing, of illegal or fraudulent voting at said election, and give the names of any you may know who voted or attempted to vote illegally.

[Objected to.]

A. Do not know of any illegal votes being *cast* at that ward and precinct; but was notified in my capacity as challenging committee that two men, whose description was given me, would attempt to vote. This was in the forenooon. At or about noon the

parties so described attempted to vote, when I challenged them. Both parties were arrested, and one of them escaped on their way to the Oliver street station. The party imprisoned gave the name of Johnson.

[Answer objected to.]

Q. Were these parties, or either of them, convicted?

[Objected to.]

A. No. The party arrested was released on bail of John P. Joyce from police court.

Q. State if you know anything further of it, legal or fraudulent voting at said election?

A. Not of my own knowledge.

JOHN L. MURRAY.

The further taking of these depositions is adjourned until to-morrow, the 27th day of December, 1876, at 10 o'clock A. M.

F. A. DOSSMANN, J. P.

DECEMBER 27, 1876.

The taking of these depositions is resumed, pursuant to adjournment, on this 27th day of December, 1876.

Whereupon Amos Smith, Jr., being called by the contestant's counsel and being duly sworn, deposes as follows:

Q. State your name, age, residence, and business?

A. Amos Smith, Jr.; thirty-six; reside 168 York street; tallow renderer.

Q. State what position of a public nature, if any, you held at or with reference to the election held in the State of Ohio and Hamilton county on the 10th day of October, 1876.

A. I am and was Chairman of the Hamilton County Republican Executive Committee.

Q. State, if you know, what measures were taken to prevent and detect illegal voting at said election, what was done to this end, and what illegal votes were cast, of your own knowledge.

A. We took the usual precautionary measures at the disposal of an executive committee through the machinery of party organization, such as a challenging committee at each poll. Aside from this, the night previous to the election, hearing that some money could be well used by employing a person to follow certain parties who were suspected of wishing to cast illegal votes by repeating, we appointed a committee of one to attend to this business, and subscribed a sum of money to meet the expense. Whether any good was accomplished through this source I am unable to say. I believe the man employed was Peggy Ryan. I only know as to illegal votes actually cast of the parties who have been tried and convicted in the United States Court.

Q. Give the name of the person who was appointed a committee to attend to the matter of preventing illegal votes at said election.

A. W. E. Hutton.

AMOS SMITH, JR.

The further taking of depositions adjourned to December 28th, 1876, at 10 A. M.

F. A. DOSSMANN, J. P.

DECEMBER 28, 1876.

The taking of these depositions is resumed, per adjournment, on the 28th day of December, 1876.

Arthur E. Kelley, being first duly sworn, deposes as follows:

Q. State your name, age, residence, and business?

A. My name is Arthur E. Kelley; age twenty-nine; residence No. 9 Oehler street; am an engineer.

Q. State what you know, if any thing, of illegal or fraudulent voting at the election held in the State of Ohio and Hamilton county on the 10th day of October, 1876.

A. I know of Hawles and Maley and a man by name of Gardener; lives in Hamilton. They all voted in the Twenty-second Ward, and Hawles lives in the Twenty-second Ward, Maley lives in the Twenty-first, and Gardner lives in Hamilton. Hawles and Maley I had both arrested, and Maley was dismissed.

Cross-examination, making same Reservations, as before.

Q. Did you see either of them vote in the precincts you refer to ?

A. I saw Maley vote in the First Precinct of the Twenty-second Ward.

ARTHUR E. KELLEY.

The further taking of these depositions is adjourned until to-morrow, the 29th day of December, 1876, at 10 o'clock A. M.

F. A. DOSSMANN, J. P.

The further taking of depositions continued until 3 P. M. of Saturday, December 30th, 1876, by consent, but such consent not to prejudice the rights of contestee, or be considered any waiver of objections or protest heretofore filed.

F. A. DOSSMANN, J. P.

The further taking of these depositions continued until 3 o'clock, January 2d, 1877, by consent, but such consent not to prejudice rights of contestee, or be considered any waiver of objections or protests heretofore filed, contestant appearing by his counsel, T. C. Campbell, and the contestee by himself and counsel, C. W. Cowan.

F. A. DOSSMANN, J. P.

By reason of being otherwise fully engaged, the further taking of these depositions is hereby adjourned by the two Justices till 5 o'clock, January the 3d, 1877, counsel for contestant agreeing thereto, contestee and his attorney being present up to 4 o'clock, but not at time of continuance.

F. A. DOSSMANN, J. P.

The further taking of these depositions is continued until Tuesday, the 9th day of January, 1877, at 2 o'clock P. M., the counsel for both sides being present, but contestee waiving no rights or objections heretofore reserved.

F. A. DOSSMANN, J. P.

JANUARY 9, 1877.

The further taking of depositions was here resumed, pursuant to adjournment on January 3d, 1877, to Tuesday, January 9th, 1877.

John H. Epply, being first duly sworn, deposes and says as follows:

Q. State your name, age, residence, and occupation ·

A. My name is John H. Epply; age thirty-one years; reside at No. 147 Dayton street; clerk.

Q. State, if you know, what means were taken in your ward to prevent and detect illegal voting at the election held on October 10th, 1876, what was done to this end, and whether you know, of your own knowledge, of any illegal votes being cast.

A. I was at their meeting in the Twenty-third Ward, First Precinct, when the Republicans appointed their rallying and challenging committees. A first-class challenging committee was appointed. My father was one, John Perkins, and others.

Q. State whether or not you was at the polls in your ward on that day during the voting at the election held on October 10th, 1876.

A. I was, and voted.

Q. State where, if you know, the polls were located in your ward.

A. In our precinct on Freeman street, between Bank and Central avenue; and the other precinct of our ward at Oberkline's, at corner of Liberty and Baymiller streets.

Q. State whether or not you are acquainted with or know one Jack Conway? If so, did or did not you see him at the polls in your ward on that day?

A. I know him, and did see him at our polls on that day, but did not see him vote. He was very drunk, and got into a fuss. I also saw him around the polls in the Second Precinct of our ward.

Q. State whether or not you saw him again that day. If so, when and where, and who was with him, if you know.

A. I did. I seen him in the afternoon at the polls of the Second Precinct of the Ninth Ward. Charles Young and Nat. Horner were with him. They were all drunk.

Q. Were they there when you came there, or did they come there after you did? Did they go away before you did?

A. I can not positively say whether they were there or not when I came. I know Nat. Horner was there when I came. They went away before I did. Jack Conway and Nat. Horner were entitled to vote there.

Q. Did you see either of them vote there, or attempt to vote there?

A. No, sir.

Q. Did any of them, to your knowledge, vote in your ward, or did you hear of any of them voting there?

A. No, sir.

The contestee, not waiving any exceptions heretofore made, proceeds to cross-examine the witness.

Cross-examination by Moses Wilson.

Q. What time of the day was it you saw him in the First Precinct of your ward?

A. It was as near to twelve o'clock as I can remember.

Q. What time of day in the Second Precinct?

A. He was leaving our precinct just as I was going below, and near the same time, 12 o'clock, noon.

JOHN H. EPPLY.

The further taking of depositions was here continued until Wednesday, January 10th, 1877, at 2 o'clock P. M.

F. A. DOSSMANN, J. P.

WEDNESDAY, *January* 10, 1877.

The further taking of testimony was here resumed, pursuant to the continuance of January 9, 1877.

A. E. Cramer, being first duly sworn, deposes and says as follows:

Q. State your name, age, residence, and occupation.

A. A. E. Cramer; twenty-six; reside in Cincinnati, Hamilton county, Ohio; attorney-at-law.

Q. State whether or not you are an elector of Hamilton county, Ohio; and if, so were you at the election held in said county on the 10th day of October, 1876; and if so, did you vote at said eleetion; and if so, do you know what officers were voted for at said election, and what political parties, if any, had candidates before the people, if you know?

A. I am. I do. There were three political parties—Republican, Democratic, and Prohibition. I voted at that election in this city and county.

Q. Name, if you can, the names of the offices voted for, and the names of the candidates voted for, on the Republican ticket.

A. Secretary of State, Milton Barnes; Judge Supreme Court, Washington W. Boynton; Member Board Public Works, James C. Evans; for Representative in Congress, 1st District, Manning F. Force; for Representative in Congress, 2d District, Stanley Matthews. Republican county ticket: For Judges Court of Common Pleas, Joseph Cox, Nicholas Longworth, Henry A. Morrill; for additional Judges Court of Common Pleas, Jacob Burnet, Joseph B. Foraker; Clerk Court Common Pleas, Philip Kietsborth; for Sheriff, Thomas S. Taylor; for Prosecuting Attorney, Charles Evans; for Recorder, Frank Bruner; for Coroner, William S. Jones; for County Commissioner, Herman Ficke.

Q. Name, if you can, the names of the offices voted for and the names of the candidates voted for on the Democratic ticket.

A. For Secretary of State, William Bell, Jr.; Judge Supreme Court, William E. Finck; Member Board Public Works, Horace P. Clough. County ticket: For Representative in Congress, 1st District, Milton Sayler; for three Judges of Court of Common Pleas, William L. Avery, Judson Harmon, William H. Pugh; for two additional Judges of the Court of Common Pleas, Robert A. Johnson, Emil Rothe; Clerk Court Common Pleas, Lewis G. Bernard; for Sheriff, William P. Wallace; for Prosecuting Attorney, Charles W. Baker; for Recorder, Paul H. Williamson; for Coroner, Dr. Ferdinand Stich; for County Commissioner, Patrick McAvoy.

Q. Please name, if you can, the offices voted for and the names of the candidates voted for on the Prohibition State and county ticket.

A. Can not name them on the State ticket, and there was no Prohibition county ticket.

A. E. Cramer.

The further taking of depositions was here discontinued until Thursday, January 11, 1877, at 2 o'clock P. M.

F. A. Dossman, *Justice of the Peace.*

Thursday, *January* 11, 1877.

The taking of these depositions is resumed, according to adjournment, on this 11th day of January, 1877. Whereupon Robert S. Crumpton, being called by contestant, and having first affirmed to tell the truth and the whole truth, deposes as follows:

Q. State your name, age, residence, and business.

A. R. S. Crumpton; age, 35; 243 Hopkins street, Cincinnati, Ohio; traveling salesman.

Q. State if you know a person by the name of Duke Fleming; and if so, whether or not you have heard him confess any thing about illegal or fraudulent voting at the election held in the State of Ohio and Hamilton county on the 10th day of October, 1876.

(Last part of question objected to as incompetent by counsel for Judson Harmon.)

A. I know Duke Fleming; heard him speak of illegal voting in the city of Cincinnati.

Q. State what he said about it, and under what circumstances.

(Question objected to as incompetent and irrelevant by counsel for Judson Harmon.)

A. Heard him say that the crowd he was with voted ninety-two times, and that Duke Hill voted twenty-two times, or forty-two times, to the best of my recollection. Can not say that he said he had voted.

(Answer objected to as incompetent and irrelevant.)

Q. State where he said the crowd and Duke Hill voted, and the ticket they voted, if you know.

(Last objection repeated.)

A. Did not specify any place or ticket.

Counsel for Judson Harmon, making the same reservations as heretofore, proceeds to cross-examine:

Q. Do you know any thing about the matter of illegal voting you have spoken of in your examination in chief, except what was told you—that is, do you know any thing about it yourself?

A. No, sir; I do not. R. S. CRUMPTON.

Anderson B. Wamsley, being first duly sworn, deposes as follows:

Q. State your name, age, residence, and business.

A. My name is Anderson B. Wamsley; age, 36 years; live at Elizabethtown, Hamilton county, Ohio, Whitewater township; a farmer.

Q. State what position of a public nature you held at the polls during the election held in Hamilton county, Ohio, on the 10th day of October, 1876.

A. I was clerk of the election on that day.

Q. State what you know, if any thing, about illegal voting in said township and at said election.

A. When the votes were counted out after the polls were closed at the south-western precinct of Whitewater township there was one more ballot than names on the poll-book. The judges decided not to count it. This ticket was Republican, except that it had Johnson's name for Judge of Common Pleas Court on it in place of somebody's else scratched out. I know of two votes cast at that election by persons who were not naturalized until the day before the Presidential election—William Ricer, German, and Michael Connel, Irish.

(Last part of answer objected to.)

Q. State, if you know, what ticket they voted at said election, and what ticket they formerly voted, if you know.

(Last part of the question objected to.)

A. I did not see the tickets open at the time they voted. To the best of my knowledge they voted the Democratic ticket, for I never knew them to vote any thing else. They formerly voted the Democratic ticket. Connel has been elected to the office of supervisor in our township on the Democratic ticket.

Q. State if you know any thing further of illegal voting at said election.

A. The vote I told about, that was left out, was a ticket sent from Cincinnati with Johnson's name on it. The ticket was different from those we had.

Cross-examined by counsel for Judson Harmon, making the same reservation as heretofore.

Q. You say that two men you have named voted illegally, from the fact that they were not naturalized. How long have you known them, and where have they resided during that time?

A. I would be safe in saying eight years. They have lived (Connell) in that township all the time, and the others nearly all the time.

Q. How old are they?

A. I should judge each of them to be about thirty years of age.

Q. Do you know where they were born?

A. No, sir; I do not.

Q. Do you know whether they were born in this country or some other country?

A. I do not know only from what they told me.

Q. Are you acquainted with any of their parents?

A. I was acquainted with Mr. Ricer's father, not with the parents of the other—Connell.

Q. Where did Ricer's father reside?

A. In our township when I knew him; he then moved to Harrison and died there about a year ago.

Q. How long had you known him?

A. About eight years. Didn't know how long he had been in this country.

Q. Did not Connell's father reside in this county?

A. I don't know.

Q. Were there not a number of scratched tickets voted in your township at the election you speak of?

A. Some, but not many.

Q. Were not Republican names scratched from that ticket and Democratic candidates names put in their places?

A. Yes, sir.

Q. Have not those two men voted in your township before? and if so, how often?

A. They have. I don't know of either of them failing to vote at elections in that township since I have known them.

Q. How do you know they were not naturalized?

A. I saw their papers on the November election day, and also saw their names in the papers.

Q. Do you know whether their parents were naturalized?

A. I don't know, except from hearsay.

Q. Did not Ricer's father vote in your township while he lived in your township?

A. Yes, sir; I have seen him vote.

Q. Is it not a fact that at the October election they were notified that they would not be allowed to vote at the Presidential election without they produced naturalization papers?

A. I understood that they had learned they would be challenged at the November election if they did not produce naturalization papers.

Q. Is it not a fact that both these men came to this country in infancy with their parents?

A. I don't know, except from hearsay; I have heard that they were each two years old when they came to this country, and came with their parents.

(Objected to.)

ANDERSON B. WAMSLEY.

The further taking of depositions adjourned until Friday, January 12, 1877, at 2 P.M.

F. A. DOSSMANN, *Justice of the Peace.*

The State of Ohio, Hamilton County, ss:

We, F. H. Rowekamp and F. A. Dossmann, Justices of the Peace in and for the township of Cincinnati, in the county of Hamilton, State of Ohio, do hereby certify that the above named Peter Casey, Richard C. Rohner, Thomas O'Mcara, Edward F. Hall, Joseph M. Davis, Alexander Campbell, W. H. Anshutz, J. C. Hart, B. P. Dorn, A. C. Horton, Charles L. Slevin, Thomas Coughlin, Asbury Morrow, Maurice Tussman, Theodore Bolland, H. H. Hanover, W. F. Mitchell, Frank Lorentz, Frank Westjohn, Ephraim Morgan, John L. Murray, Amor Smith, Jr., John H. Epply, A. E. Cramer, Robert S. Crumpton, and Anderson B. Wamsley, were by us first duly sworn to testify the truth, the whole truth, and nothing but the truth; that the foregoing depositions, by them respectively subscribed, were reduced to writing, partly by themselves and partly by the attorneys of both parties, per agreement, and written and by said witnesses respectively subscribed in our presence, and were taken at the time and place specified in the inclosed notice.

In testimony whereof, we have hereunto set our hands this 29th day of January, A.D. 1877.

F. H. ROWEKAMP, *Justice of the Peace.*
FRANK A. DOSSMANN, *Justice of the Peace.*

IN THE SENATE OF OHIO.

JOSEPH COX, Contestant, *vs.* JUDSON HARMON, Contestee.

Now comes Judson Harmon, contestee, and moves the Senate to strike from the files the depositions taken before F. H. Rowekamp and F. A. Dossmann, Justices of the Peace in and for Hamilton county, Ohio, on the following grounds, to wit:

1. That no notice of the taking thereof was given to said contestee as required by law.
2. That said depositions were taken before this contest was begun or pending.
3. Other reasons given in the protest attached to said depositions.

JUDSON HARMON,
By GEO. HOADLY,
BENJ. BUTTERWORTH,
C. W. COWAN,
M. F. WILSON,
His Attorneys.

CINCINNATI, February 14, 1877.

BEFORE THE SENATE OF THE STATE OF OHIO.

JOSEPH COX, Contestant, *vs.* JUDSON HARMON, Contestee.

Deposition of sundry witnesses taken before me, Warren Higley, a notary public within and for the county of Hamilton, in the State of Ohio, pursuant to the annexed notice, and at the time and place therein specified, to be read in evidence on behalf of the contestant in an action pending in the Senate of the State of Ohio, in which Joseph Cox is contestant and Judson Harmon is contestee, T. C. Campbell being present on behalf of contestant, and C. W. Cowan and M. F. Wilson on behalf of contestee; and before the taking of any testimony filed the protest hereto attached and marked "Exhibit A."

Parker Dickson, of lawful age, being by me first duly sworn, deposes and saith as follows

Question by contestant's counsel. State your name, age, residence, and occupation.

Answer. My name is Parker Dickson; age, twenty-three years; residence, Mill Creek township; and occupation, attorney-at-law. Am also Republican executive committeeman of the St. Bernard precinct, Hamilton county.

(Answer objected to.)

Q. State what, if any, irregularities you know of connected with the election which occurred in said State and county on the tenth day of October, 1876, and what fraudulent votes, if any, you know of having been cast at said election, and what votes were cast or counted for contestee herein fraudulently.

(Objected to by counsel for contestee.)

A. There were three more ballots in the box than names on the poll-book, which three votes were counted. The last three ballots in the box were Democratic, and as such were counted for the Democratic party. Do not know who cast them, nor do I know of any illegal votes being cast at the above precinct. Know of several votes being cast for the Democratic party at the above poll which I think were illegal, but could not prove it. I did not follow them up because I could not leave the polls, nor did I have the men to spare to follow them up. All the saloons about the polls, some six or seven in number, were open and in full blast. Many men were drunk. Am certain they were Democrats.

Q. State whether or not you are acquainted with Isaac J. Miller, an attorney of this city; and if you are, what connection did he have with the campaign which preceded and followed the election of October 10, 1876?

A. Am acquainted with him. He was chairman of the Democratic executive committee of Hamilton county, Ohio.

Q. Please state as accurately as possible any conversations you have had with Mr. Miller in regard to carrying the October election by fraud, or any thing that may have been said by him concerning the casting of illegal votes at said election.

(Objected to.)

A. A few days previous to the election referred to I met said Miller, and he informed me that we (meaning the Republican party) had the United States courts, about three hundred officials whose bread and butter depended upon the result, and that we (meaning the Democratic party) learn that there are organized bands of repeaters in the Republican party, and that they will be stopped in their work or there will be trouble; that the Democratic party stands, you see (says he), at a great disadvantage. Have known Mr. Miller personally for some time, and believe him an honest man, and think the Democratic repeating was not done through any of his means.

(Objected to.)

Q. What, if any thing, did Mr. Miller say about equaling the Republican repeating at said election?

(Objected to.)

A. He did not state directly that there would be any equaling, but from his manner I could only infer that such was the only alternative.

(Objected to.)

PARKER DICKSON.

L. C. Weir, of lawful age, being by me first duly sworn, deposeth and saith as follows:

Q. State your name, age, residence, and occupation.

A. L. C. Weir; age, thirty-five; residence, 406 West Fourth street, Cincinnati, Ohio; am agent of the Adams Express Company.

Q. What connection, if any, did you have with the election held in this State and county on the 10th day of October, 1876?

A. No connection other than that of an elector.

Q. State whether or not you are acquainted with James White; and if so, state how long you have known him, and what his business.

A. I have known him for quite a number of years as a detective and police officer.

Q. State what conversation, if any, you had with White concerning the October election previous to the election.

(Objected to.)

A. White called in my office to say that he was very much in need of money, and would like an opportunity for doing some good work for Judge Mathews and the Republican ticket. I told him it was something I had nothing to do with; that he had better see some of the executive committee; but I thought there was little use in his traveling out of his way, because the committee had barely enough money to meet ordinary ward expenses.

Q. State whether or not you had any conversation with him since the said election concerning the matter of repeating and fraudulent votes; and if so, state it as fully as you can.

(Objected to.)

A. White called at my office to say that inasmuch as Banning's majority was only seventy-five, it was in his power to show more than that number of illegal votes to have been cast, and thus give the seat to Judge Mathews; that if I would assure him that he should be paid for the evidence—five hundred dollars in cash, five hundred dollars on production of the evidence, and five hundred dollars when Judge Mathews was declared entitled to the seat—he would furnish a list of twenty-seven men who had voted eighty-one times in the aggregate in the second district, all of them being straight Democratic tickets; and, to verify the evidence, give the names under which each vote was polled, and about the hour at which it was deposited. I told him I had no authority to treat with him, and referred him to Judge Mathews or the Republican committee.

(Objected to as incompetent and irrelevant.)

Q. State what other matters you know concerning frauds committed at the said October election by White, or by other persons.

A. I know nothing except from hearsay.

L. C. WEIR.

The further taking of these depositions is now adjourned until to-morrow, Tuesday, the 23d day of January, 1877.

WARREN HIGLEY, *Notary Public.*

JANUARY 23, 1877.

The taking of these depositions is resumed, pursuant to adjournment, under the foregoing notice, on this 23d day of January, 1877, at 12 o'clock M., T. C. Campbell appearing for contestant, and contestee for himself.

Luke Branman, of lawful age, being first by me duly sworn, deposeth and says as follows:

Q. State your name, age, and residence.

A. My name is Luke Brannan; age, thirty-seven years; residence, 416 West Third street, Cincinnati, Ohio.

Q. State whether or not you took any part in the election held in this county and State on the 10th day of October, 1876; and, if so, what part did you take, and where were you on the day of said election?

A. I was appointed on one of the challenging committees; on the morning of the election I took my stand on the gangway in front of the poll at the second precinct of the Ninteenth Ward; I was there all day.

Q. State what facts, if any, you know concerning the casting of illegal votes at said precinct and ward at said election.

(Objected to.)

A. Between eight and nine o'clock one Jack Conway came upon the stand to vote, and Jim Moran challenged the vote. Some man in the party vouched for him, and he was going to vote; I protested against his voting, and said I wanted the man sworn if he wanted to vote; said I didn't know him; he swore his vote in, stating he lived at 415 West Third street; I know that he didn't live there, for it is right opposite to where I live, and I went on to have him arrested. He got away some way from the officers in the crowd. There were five more behind him on the stand ready to vote. They turned around, after he was threatened, and walked off the stand, and didn't vote. I recognized Charley Young, afterwards, that he voted in my ward.

Q. Are you sure of the hour?

A. No, I am not sure of the hour; it may be nine and it may be after nine o'clock, I can't say.

Q. What officer made the pretended attempt to arrest?

A. Well, there were Duffey, and Quinn, and Kinney, I think this is his name. Duffey was the man I asked to arrest him; he did not do so, the fellow got away somehow; I don't know how.

Q. What persons did you recognize there who were not residents of the ward?

A. "Peggy" Ryan came to me and Billy Carey, and says, "Luke, look out for the repeaters; for they are coming up now; we have been following them all over town." They were across the street when the party voted. Ryan and Carey came up to me, and Ryan talked to me.

(Question and answer objected to.)

Q. State whether or not Conway and Ryan had any conversation at the polls.

(Objected to.)

A. Can't say whether they did or not.

Q. What, if any thing, was said to you by Conway or his friends when you challenged his vote?

(Objected to.)

A. He says to me, "On what grounds do you challenge me?" I told him he was not a resident of the ward. Some party vouched for him, and then he swore his vote in, and I protested against it, and said I wanted that man sworn. He said, "You G—d d—n one-legged son of a b—h, what right have you to challenge me?"

Q. Have you only one leg? and, if so, where and when did you lose the other?

(Objected to.)

A. I lost one leg at the battle of Perrysville; was a member of Company D, 10th O. V. I.

Q. State whether or not you know Jim White.

A. Yes, sir, I know him.

Q. State whether or not you had any conversation with said Jim White concerning the election; and, if so, state what it was.

(Objected to.)

A. I met Jim White down stairs here, in front of his office, in this building. I talked with him about the repeating at the October election. This was two days after the election. James says to me, "You know I have a business here, you know, and if the Republicans want to put up enough money I will throw the election." He said he didn't want any more mind, he meant business. He said if he got a first-class man that talked business he would talk to him.

OBJECTION AND PROTEST OF COUNSEL FOR JUDSON HARMON.

Counsel for contestee, Judson Harmon, objecting and protesting against the taking of any testimony whatever relating to the alleged contest between said Judson Harmon and Joseph Cox, now pending in the Senate of Ohio, for the reasons stated in his motion to dismiss the same, heretofore filed with the Clerk of the Senate of Ohio, objecting and protesting against the wanton violation of the well-known rules of evidence by counsel for contestant, Joseph Cox, in the depositions already taken in said contest before Warren Higley, Notary Public, and reserving all objections and exceptions to the questions raised in said motion, hereinbefore filed, proceeds to cross-examine, making the foregoing objection and reservation apply to all subsequent cross-examinations.

Q. What is your business?

A. I am watchman at the County Treasurer's office.

Q. Do you know Jack Conway? Who is he?

A. No, sir. I know him by sight and reputation; I am not acquainted with him. Well, by the reputation I find of him he is a three-card monte man or confidence man; he was dealing faro over here at Eph. Holland's, I understood; I don't know this.

Q. How long have you known him by sight?

A. Well, I have seen him off and on for a couple of years, but never knew his name before, just knew him by sight. I came up the third day after election, and went over to Eph. Holland's saloon and got a cigar, and saw him and Eph. Holland and Captain Burns, of my regiment, standing outside of Eph. Holland's door.

Q. Did you know the other men who you say were standing behind Conway when he was challenged?

A. No, sir, I did not.

Q. Do you know Charles Young, of whom you speak as having voted in your ward?

A. I know of him having voted, but I don't know him nor any thing about him; I only recognized him when I saw him in the 'Squire's office afterwards.

Q. Do you mean to say you can recognize every man who voted in your ward at that election?

A. No, sir, I do not.

Q. Then how does it come that you recognized Young? What impressed him on your memory?

A. The reason why is, he was arrested, and I went up to the poll-book and got his name; seeing him in the Esquire's office I remembered having seen him vote.

Q. Was Young's vote challenged?

A. No, sir.

Q. Did he vote before or after Conway?

A. Before Conway; the next one before him.

Q. Who is Jim Moran, who, you say, challenged Conway before you did? Is he a Democrat or a Republican?

A. He is a Democrat; he is in the Probate Court.

Q. When you got the officers to arrest him it made considerable confusion about the polls and gangway, did it not?

A. Yes.

Q. And it was in that confusion that he escaped, and the men behind in the gangway backed out of it, was it not?

A. Yes, it was.

Q. The confusion you speak of interrupted the voting also, did it not?

A. Well, I think not much; may be a minute or two.

Q. You do not mean to swear, do you, that these other men, behind Conway, did not vote afterwards at your polls that day, do you?

A. I could not state; I don't think they voted at my precinct afterwards, to the best of my knowledge.

Q. You do not mean, either, to swear, do you, that they were not entitled to vote at your polls then?

A. I would swear that they had no right to vote there; I knew, pretty much, every voter in that precinct; I had been station-house keeper for nine years in that precinct, or six years as station-house keeper and three years as challenger.

Q. What you mean to swear to is merely that you did not know these men, is it not?

A. Yes, and that when Conway was sworn they backed out and did not vote.

LUKE BRENNAN.

Paul Wheaton, of legal age, being by me duly sworn, deposeth and saith as follows:

Q. State your name, age, and residence.

Paul Wheaton; aged 18 years old; reside in Troy, New York.

Q. How long have you lived in Hamilton county, Ohio, and what have you been doing while here?

A. I have lived here about two years; my occupation is a waiter.

Q. Were you in this city on the 10th of October, 1877, the day of the State election?

A. I was.

Q. State whether or not you have knowledge of the casting of any fraudulent votes at said election, or of any repeating then done. If so, state all the facts that are in your knowledge; state them fully.

A. The day before the October election I was at Mr. Hunt's restaurant and met Charley Young there. He asked me whether I would like to make twenty-five dollars, and I told him I would. He told me to go to Jim White's office, on Fifth street, between Vine and Walnut streets, opposite the Fountain. I went around to the office, saw Jim White, and he took my name down on a piece of paper. There were nineteen men in the office when I went in. White told me to wait, Holland would be there in a few minutes. A man came in who they said was Holland, and I went into a private office or room, and he called in each man separate. He called me in and gave me five dollars. He told me that he wanted me to come round the next morning and do some work for him. He told me I need not be afraid of any trouble; if there was, just mention his name and he'd get me out of it. He told me to be around at his office the next morning at six o'clock sharp. Some of the other men told me that they received five dollars also. I went around the next morning as directed. I saw some of the same men there that I saw the night before. Jim White told me to go with Jack Conway. I went with Conway, Conway's friend, Porter and friend, Young, Howard, and a man they called

O'Brien. Conway then took us out Fifth street to what he said was Holland's Fourth ward. He went ahead and got a handful of straight Democratic tickets. He came back and gave us each one and told us to put them in. And we all went up and voted—a party of eight. He took us from there in the same end of the city towards the river to an engine house. He said there was no chance there; there were too many "cops" there, we were liable to get the collar, and we'd better take a walk down town. He then brought us to the engine house on Vine street, near the canal. They all voted there but me. They voted the straight Democratic ticket. He then brought us to the engine house on Sixth street, near Vine, and we all voted the straight Democratic ticket there. He then took us down on George street, to the old engine house. He went ahead and got a handful of straight Democratic tickets, and came back and gave us each one and told us to put them in. We all voted there but O'Brien and myself. O'Brien called me one side and said, "The consequence of this is three years; if they want to put them in so fast let them put them in." Conway then took us over on Fifth street, to polls either on Central avenue or the street this side or the street below Central avenue. He said there was no show there—there were too many "cops." He then took us down Fifth street and then turned down some street toward the river to an engine house. He then went ahead and got a handful of straight Democratic tickets and told us to put them in. They all voted there but Howard, O'Brien, and myself. Jack Conway's vote was challenged, and he swore it in. The "cops" got after him and was going to arrest him. I don't know whether they did or not. The party disbanded then. I came up to Mr. Hunt's restaurant, and came around to White's office somewhere about noon. He sent me and O'Brien into this bakery under White's office in this building here, to dinner. O'Brien ate dinner with me, and I saw some of the parties of the other gangs eating dinner at the same time. I don't know who paid for the dinner. Holland agreed to pay me $25 for my work. I got $5.

Q. State fully any conversation you had with White or with any of the others?

(Objected to.)

A. I went to White's office the night of the election. I saw Young, Howard, Conway and O'Brien. Conway stated he had voted nineteen times that day. Howard and O'Brien did not say anything. I was there to get my twenty dollars. We were waiting for Eph Holland. There were two men came and said he was detained. White then said he guessed the money would be all right; Holland would pay what he agreed to.

(Answer objected to.)

Q. Have you received the additional twenty dollars you were promised? If so, from whom did you receive it?

A. I did not. I met Mr. Holland next day after the election on the corner of Fifth and Vine streets. I asked him for the rest of the money. He said to come round and see him next election.

Q. You say that the place where Conway was challenged was at an engine house. Are you sure of that?

A. I am not sure; it may have been a station house; it was some public building.

Cross-examination.

Q. You say you are eighteen years of age. When were you born?

A. In the year 1859, 12th day of March.

Q. Where?

A. Troy, New York.

Q. Did you not, on the jail register of this, Hamilton county, enter your age as being twenty-one?

A. I believe I did.

Q. When was it you so entered your age?

A. When I was put in jail, right after the election last fall.

Q. Did you not also say to T. G. Quinn, and other persons, while in said jail, since the election you have spoken of, that you had not voted at all at said election?

A. Yes, sir; I did say so to them.

Q. How long have you been in said jail, and are you still there?

A. I was in the jail, I should think, about two months. I am at the Cincinnati Work-House now.

Q. How did you get from the jail to the work-house?

A. I was taken there.

Q. I mean how did you come to be changed from the jail to the work-house?

A. I don't know that.

Q. You are a prisoner under charge of the United States Marshal, are you not and have been ever since your imprisonment?

A. Yes, sir.

Q. Were the other United States prisoners transferred from the jail to the work-house when you were?

A. No, sir.

Q. Then how did you come to be so transferred?

A. I don't know.

Q. When did you first hear that you were to be so transferred?

A. When the Marshal came after me. I did not know where I was to be transferred until he took me to the work-house.

Q. Did you not ask an explanation of the change?

A. No, sir.

Q. Was no explanation given you?

A. No, sir.

Q. Did you not state to a newspaper reporter, or some other person, that you were transferred because you feared you would be poisoned if you staid in the jail?

A. I did not make any such statement to any one.

Q. How do you make yourself out to be eighteen years old if you were born March 12th, 1859?

A. Because I am in my eighteenth year.

Q. Upon what charge have you been confined in jail and the work-house, as you have stated?

A. Illegal voting.

Q. Has your trial taken place?

A. No, sir.

Q. Why not?

A. I pleaded guilty.

Q. When?

A. I don't exactly remember; four or five weeks ago, if not more.

Q. Have you been sentenced yet?

A. No, sir, I have not.

Q. How does it come you are not sentenced when you pleaded guilty so long ago?

A. I don't know why that is.

Q. Has no reason been given you?

A. No, sir.

Q. Have you asked for none?

A. No, sir.

Q. Why have you asked for no reason? Do you not know that the time you are confined before sentence does not come out of the sentence itself?

A. I supposed they were waiting to sentence me when they sentenced the other prisoners.

Q. Is it not a fact that other prisoners have been sentenced there, in the United States Court where you pleaded guilty, since you so pleaded?

A. I believe so.

Q. To whom and when did you first tell the story you have just told about illegal voting?

A. To General Bateman, Prosecuting Attorney in the United States Court. I don't remember exactly the time.

Q. Was it before or after you pleaded guilty?

A. I think it was before.

Q. How did you come to tell him about it?

A. I don't know exactly.

Q. If you don't know exactly, tell as near as you can.

A. Well, I went down to plead guilty, and thought I would tell what I knew about it, as the parties didn't do anything for me that got me into the trouble.

Q. Well, what made you plead guilty after saying to Mr. Quinn and others you had not voted at all?

A. Because parties didn't furnish me any lawyer to defend myself, and I had no money to employ one, and had no chance to stand trial.

PAUL WHEATON.

The further taking of these depositions is adjourned until to-morrow, the 24th day of January, 1877.

WARREN HIGLEY, Notary Public.

JANUARY 24, 1877.

The taking of this examination is resumed, per adjournment, this 24th day of January, 1877, whereupon the cross-examination of Paul Wheaton is resumed.

Q. Who first spoke to you and to whom did you first speak about pleading guilty?

A. I don't remember that; I spoke to Mr. Bateman about it. I don't know who first spoke to me.

Q. Where was it you spoke so to Mr. Bateman about pleading guilty?

A. In the United States Court.

Q. You say in a previous answer that you went down to the United States Court to plead guilty. Did you speak to no person and did no person speak to you about pleading guilty before you went down to do it?

A. Not that I know of—that I remember.

Q. If any one had spoken to you, or you to any person about so important a matter, would you not remember it?

A. I don't know whether I would or not.

Q. You went down to the United States Court for the purpose of pleading guilty, did you not?

A. Yes, sir.

Q. Well, then, whom did you first tell that you wanted to go down and plead guilty?

A. The Marshal, I think, Mr. Weaver.

Q. Whom did you tell to send the Marshal up to you?

A. Well, I don't remember that.

Q. How long was it after you were arrested?

A. I don't remember exactly how long afterwards.

Q. About how long?

A. Somewhere about six or eight weeks, I should think.

Q. During that time, before you pleaded guilty, who told you what evidence there was against you, that you had no show to be acquitted, that you might as well plead guilty, that it would be better for you if you did, or anything of that sort?

A. Well, there was no one said anything of that kind; I judged that myself.

Q. Who was it that said you would get off easier if you pleaded guilty—I mean in the jail, before you pleaded guilty.

A. I don't know as any one said any thing of that kind.

Q. Do you mean to swear positively that no one told you so?

A. I don't say that no one told me so; I don't remember of any one telling me so.

Q. Who talked with you on the subject?

A. I don't know as any one did.

Q. Do you mean to swear positively that no one did?

A. I don't say that no one did, but I don't remember of any one saying any thing of that kind.

Q. When you went down to plead guilty, what conversation took place between you and the District Attorney?

A. I told him what I knew about fraud in the election; that's about all the conversation I had.

Q. What did he say to you, and you to him, before you told him about fraudulent voting, as you say you did? State the conversation fully.

A. I told Mr. Bateman that the day before the election I was at Mr. Hunt's restaurant and met Charley Young there, and he asked me if I was working. I told him I was not. He asked me if I'd like to make twenty-five dollars, and I told him I would. He told me to go round to Jim White's office, on Fifth street, between Vine and Walnut, opposite the Fountain. I told Mr. Bateman of receiving five dollars of Eph. Holland, and of voting twice myself, and of the parties with me voting.

(Counsel for contestee here calls the attention of the witness to the fact that the question calls for the conversation which took place between him and the District Attorney before the witness told him—the District Attorney—about the voting, not for a repetition of his testimony in chief in this case.)

Witness then proceeded: I don't remember any thing, only I told him I was going to plead guilty.

Q. How does it come that you can tell so fully and minutely all that was done and said at White's office, and on election day, but can not state the conversation that you had at a later date in jail, and with the District Attorney?

A. I have stated all that I remember of having said to those parties. I don't know as I said any thing to any one in jail, or any one said any thing to me. I should say I spoke to one man in jail by the name of Fuller. I told him about the trouble I was in;

that I did not have any lawyer and no money to get one, and no one to do any thing for me. He might have said it was best for me to plead guilty, and I might have said that I intended to plead guilty, but I don't remember of having said so, or that he said so to me.

Q. Now that you have refreshed your recollection, can you not tell me what the District Attorney said to you, and what you said to him, before you told him your story about illegal voting?

A. That's all the conversation I remember that I had with Mr. Bateman.

Q. Who first spoke to you about testifying in the contested election cases?

A. Mr. Campbell, I believe.

Q. Do you mean T. C. Campbell, attorney for the contestant? What was the conversation?

A. Yes, I mean him. He asked me if I knew any thing about the election—asked me if I wanted to testify to it—and I told him I did not object. That's all that was said.

Q. Was this after you had pleaded guilty? Where was it?

A. Yes, sir, it was after I had pleaded guilty. It was at the office of the county jail.

Q. What did he promise to do or have done for you if you would testify? Did you send for him?

A. I didn't send for him, and he didn't promise me any thing.

Q. Who else spoke to you about testifying in the contested election cases?

A. That's the only person who said any thing to me about testifying.

Q. Did you not testify during the last week in December, 1876, in the contested election cases of Taylor *v.* Wallace, and Kiebborth *v.* Bernard?

A. I don't know what cases they were, but I testified.

Q. It was before Esquires Dossman and Rowekamp, was it not, and you were cross-examined by Mr. Long in one case and Mr. Randall in the other?

A. It was.

Q. Did you not say in your cross-examination on that occasion, in answer to one or both of those gentlemen, that Charles Young first spoke to you about testifying in the contested election cases?

A. Yes, sir, I believe I did.

Q. Then why do you now say that Mr. Campbell first spoke to you about it?

A. Well, I didn't understand the question—that's how I come to say that.

Q. Did you not say that Young wanted you to testify after he had testified, and that you refused to do so?

A. I said that Young wanted me to testify, and I refused to do it. I thought at that time maybe some one would do something for me.

Q. Do you mean to swear that that was before you pleaded guilty?

A. Yes, sir, I believe that was before I pleaded guilty—I know it was—for it was when I first got in jail, and he said that was what he got me in there for.

Q. Do you mean to say Young had you arrested for illegal voting? Did he swear out the warrant?

A. That's what he said. I understand he did it.

Q. Is it not a fact that your sentence has been deferred, as you have been told, in order to enable you to testify, and that if you would testify all right you would be taken care of, pardoned, given a shorter term, or well treated, or something of that kind?

A. No, sir, nothing of that kind has been said to me.

Q. Where had you lived, and what had you been engaged in, before you came to Cincinnati?

A. I have lived in Troy, Ithica, and Rochester, in New York. I am a table-waiter by occupation.

Q. How long have you been at that business; at what places in the cities you have named were you so employed, and have you been in no other business?

A. About five years. I never worked at that in Troy. I worked at Shepherd's restaurant, at Ithica, and Stoddard's. I worked in the Osborne House in Rochester. When I am out of work I work at any thing I can get to do. I have worked in a meat market, also in a planing-mill, in Ithica. I worked in a barber shop.

Q. How did you come to come to Cincinnati—I mean why did you leave New York State—and where have you been employed in this city?

A. I took a trip, just as any one would if he felt like it. I have worked at Hunt's, the Walnut Street House, and the Buckeye Restaurant.

Q. How did you come to leave the last place you worked at?

A. I was arrested—taken away; I didn't want to leave.

Q. I thought you said you told Young, when he asked you if you was doing any thing, that you was not?

A. I wasn't doing any thing at the time he asked me; I got that situation after the election.

Q. How did you come to leave Hunt's?

A. I left there on my own accord.

Q. Why did you leave of your own accord?

A. Because I wanted to—that's all.

Q. Did you have another place in view, or any thing else to go at, or any means of support?

A. No, sir. I did have means of support. I had the rheumatism; that's why I left there.

Q. What time of day was it that you first went to White's office the day before election, and how long was you there?

A. It was some time in the afternoon or evening; I don't know the exact time; I should judge it was a half an hour, or something like that.

Q. Well, was it afternoon or evening?

A. It was along late in the afternoon, somewhere.

Q. Who were the other men in the office when you went there?

A. Jim White and a man named Brodemay, or something like that, O'Brien, Porter and his friend, and Young, and there were a great many more there that I don't remember the names of.

Q. You mean the same men you say you went out with the next day were there?

A. Yes, sir.

Q. Did you not say upon your other examinations above referred to, that you told White that Young had sent you around?

A. I think I did.

Q. Why did you tell him that, if Young was there?

A. I had to introduce myself some way; White was a stranger to me.

Q. How did you know, then, which was White?

A. Because I asked for him.

Q. Did you know, before you went there, what was wanted of you in return for the money you was to get?

A. No, sir, I didn't.

Q. Did you learn there?

A. No, sir, I didn't—not until the day of the election; I didn't learn what I was to do.

Q. Did you inquire what you was to do for the money?

A. I don't know whether I did or not; I didn't find out, I know.

Q. And you were willing to accept employment without knowing what the nature of it was, were you?

A. I took it any way.

Q. How long were you at White's office the next morning before you started out?

A. A very short time.

Q. Were the same men there the next morning who were there the night before?

A. Yes, sir.

Q. Did you go directly to the Fourth Ward polls, or stop on the way?

A. No, sir; we did not stop on the way.

Q. Did you, during the day, go all in a body?

A. Yes, sir.

Q. When the party voted at the various places you have named, as you say, did they vote together, one after another?

A. Yes, sir.

Q. At how many places were any of the party challenged—name the places and the men?

A. There was only one challenged—that was Conway—at the last place they voted.

Q. What time of day was it that you got to the Fourth Ward polls, the first place you voted?

A. About half-past six or a quarter to seven o'clock, I think.

Q. Did you not state in your other examinations above referred to that it was about half-past seven that you got there?

A. Not that I know of.

Q. Did you or did you not say so?

A. I don't remember.

Q. In what order did the party vote at the various places where you say they voted?

A. I can't say that. Conway generally voted first. He was the leader.

Q. Did he vote first at the last place you say the party voted?

A. I don't remember whether he did or not; I think he did, though.

Q. Did you go up to the polls with the party every time when they voted, whether you voted or not? or when you concluded you would not vote at a place did you stay back?

A. I didn't walk up there every time—only when I voted.

Q. Where was it that you and O'Brien had the conversation you speak of about not putting them in so fast? how far from the place where they took the tickets to put in the ballot-box?

A. Well, it was at the old engine-house, on George street; I was close by where they took tickets—within seven or eight feet.

Q. Was there not a large crowd about the place where they took tickets? and were you and O'Brien in this crowd or outside of it when he said this to you?

A. There was some crowd there; we stood up by the side of the building—people all around us.

Q. Where did you stay while the rest voted at the engine-house, on Vine street, near the canal?

A. I stood right close by.

Q. Did they have gangways at those places where you say the party voted?

A. They had gangways at a great many of them—at most of them.

Q. Did they at the last place I asked about?

A. I think they did.

Q. Did you go into that with the others while you say they voted?

A. No, sir; I didn't.

Q. Did they have a gangway on Sixth, near Vine?

A. Yes sir.

Q. There was generally a large crowd around each voting place, was there not?

A. Yes, sir.

Q. As you say you did not go up to the polls every time the party voted, but only when you voted yourself, you can not swear positively, can you, that you saw each man vote every time?

A. Yes, sir.

Q. You mean to swear positively that you saw every man that you say voted put in his ticket at each place, do you?

A. Yes, sir.

Q. Did you keep a memorandum of the men, and the number of times they voted, and at which places?

A. No; I didn't make any memorandum, but I remember how many times they voted, and where they voted.

[Having waited from shortly after 9 A.M till almost 11 A.M., and now having waited from the noon adjournment a half an hour, contestant's counsel asks that he be allowed to reëxamine the witness, and that he then be returned to the care of the proper authorities, for the reason that time is being consumed, and that the time of contestant is running short, as the case comes up on the 30th inst. Which is accordingly done.]

Q. State whether or not Mr. William Wallace said anything to you about testifying in the contested election cases?

A. He asked me if I voted.

Q. Was T. G. Quinn, who talked with you, an official or officer?

A. Not that I know of.

Q. Did you ask to be taken down to see Wallace, or Quinn, or Moran, or to have a conversation with McCarthy?

A. No, sir; I did not.

Q. What position does McCarthy occupy?

A. He is the turnkey at the jail.

Q. State if Moran is a jail official.

A. He is.

Q. How often did McCarthy talk with you about illegal voting?

A. He was constantly at me to keep still on the subject of frauds at the election, if I knew any thing about them. He said that they couldn't do any thing with me.

Q. Did any one else say any thing to you about the frauds at the election; and if so, who was it, and what did they say?

A. Yes, sir; Moran was constantly at me, and told me to keep still about the frauds, and said they couldn't do any thing with me. McCarthy introduced me to Wallace and Quinn. Quinn asked me if I voted, and in the conversation told me to keep still if I knew any thing; that they couldn't do anything with me if I kept still.

[The counsel for contestee now appearing, the cross-examination is resumed by consent.]

WARREN HIGLY, *Notary.*

Q. Under what name or names did you and the other parties you have referred to as aving voted at the October election, 1876, vote?

A. I don't remember any of them.

Q. Can't you give any of them?

A. No, sir.

Q. How does it come that you remember all the other circumstances but can not state that?

A. I didn't pay much attention to that.

Q. You were not near enough to hear them all when given to the judges either, were you?

A. Yes, sir; I was.

Q. Did you hear every name each man gave when he voted—every time?

A. Yes, sir; I think I did.

Q. Did you go directly from each of the polls you have named to the next one?

A. Yes, sir; we went directly from each one I have mentioned to the next one.

Q. Did you stay around any of said polls, either before or after voting, or did you vote at once on your arrival and then go immediately away?

A. No, sir, we didn't stay; we voted and then went right away.

Q. Did you stop at any place or places in going from one voting place to another?

A. No, sir.

Q. What time was it that your party finally broke up, when, as you say, Conway was challenged?

A. About half-past eleven in the morning.

Q. Where did you go then?

A. I came up to Hunt's restaurant; from there I went to White's office.

Q. Who are those men you have named as having gone with you to vote? Did you know any of them before?

A. I had waited on Young at Hunt's restaurant. I had waited on Conway there, also. That is all that I know of them.

Q. How does it come you know some of these men's names and not the rest—those you speak of as "friends" of the others?

A. I never saw the other parties before the election.

Q. You say Conway got straight Democratic tickets at each place, and gave them to you to vote. What do you mean by that—by straight Democratic tickets?

A. That is what the tickets read.

Q. Do you mean they read at the top "Straight Democratic Ticket?"

A. Yes, sir.

Q. Did you read the names on the ticket?

A. I read the names, but I don't remember them.

Q. Don't you remember any of the names?

A. No, sir; I don't.

Q. Did you read the ticket, either the names or the heading, every time one was handed you?

A. I read the heading of it every time.

Q. Where did Young and Conway live on the day of said election?

A. I don't know that.

Q. Don't you know that they were residents and had a right to vote in the Ninth Ward when you voted with them on Sixth street, near Vine, at the engine-house?

A. I didn't know that they had the right to vote any where. I didn't know where they lived.

Q. Were you ever arrested before? if so, where and on what charge?

A. I never was arrested before.

Q. Did you also read the tickets the other men with you had given to them?

A. I saw they were straight Democratic tickets.

Q. Did you read thåt on the tickets handed the others?

A. Yes, sir, I read that on the tickets.

Q. Did you see every ticket that was handed to each man?

A. Yes, sir.

Q. And do you mean to swear, that you, read "Straight Democratic Ticket" on every ticket handed to each of your party that day?

A. I read that on all the tickets that I saw Conway hand to them.

Q. Did any of your party get tickets from any one but Conway?

A. No, sir.

Q. Then you mean to swear do you that you read the heading of every ticket handed each one of your party that day?

A. I saw the heading of all the tickets he handed the party.

Q. Do you mean to say you can testify that every man voted the ticket Conway handed him?

A. Yes, sir.

Q. Did you see the ticket of each man, each time, from the time it was handed him until it was put in the ballot box?

A. Yes, sir.

Q. You swear to that positively, do you?

A. Yes, sir.

Re-direct examination.

Q. Look at the ticket which I now show you, and tell me what it reads on the heading. (Objected to.)

A. It reads Democratic Straight ticket.

Q. Examine this ticket and say whether or not it is similar in every respect to the icket handed you and your gang to vote on the 10th day of October, 1876?

(Objected to.)

A. It is the same kind of ticket we received.

Q. Can you write?-if so, write your initials on this ticket and attach it as part of your deposition to this paper.

A. I can write some, I will write my name on the ticket, and do hereby attach it as part of my deposition.

(Ticket attached, and marked "A."

Re-cross examination.

Q. How do you know this is the same kind of ticket you received election day?

A. I remember the ticket.

Q. Do you mean you remember the heading?

A. I remember some of the names on them.

Q. Whose names do you remember?

A. I remember Wallace and Bell.

Q. No others?

A. I only remember their names.

PAUL WHEATON.

Witness immediately recalled by contestant, to ask concerning matters which had been overlooked.

Q. State where you dined that day.

(Objected to.)

A. In a restaurant under White's office.

Q. Who paid for your dinner or who sent you there to eat?

(Objected.)

A James White sent me there.

Q. How many other of your party or the men you saw in White's rooms eat there that day.

(Objected to.)

A. O'Brien eat with me, and I saw several of the others there.

Q. State whether or not you saw Mr. Brockman in White's rooms. If so when, and what was he doing?

(Objected to.)

A. Yes, sir; I saw him in White's rooms. He took my name down once on a piece of paper, and the names of some of the others were taken down by him.

Q. Why did you not tell about him before?

(Objected to.)

A. I did not know his name. I have never seen him since till now. As soon as I saw him I knew him as one of the men White had.

Q. What else did you see him do besides writing down names?

(Objected to.)

A. He seemed to be assistant to White in the office. After we had our dinner, White told him to take us up to Sixth and Vine to the polls at the engine-house. White said he would meet us up there. We got up there. White met us and gave Brockman tickets, and told him to give them to us. He gave them to us, and told us to vote. There was six in the party besides Brockman and White.

Q. Did any of them vote?

A. Yes, sir; he voted, and five of the others voted.

Q. What, if any thing, did you hear him say about White's conduct or about the men there was at White's rooms? In short, tell all he said about the election.

(Objected to.)

A. I heard him say there was a fine lot of men—that there was enough to carry the Democratic party along. Next day he asked me if I got my money yet. I said no. He said he had not got his yet.

(Objected to.)

Q. Is there any one else you recollect?

A. I remember the faces of several. I could tell them just like I did him if they were brought before me.

Q. Did you hear him call the names of any of the others who were with him? If so, what were the names? Did he appear to know the people he took to Sixth and Vine streets?

(Objected to.)

A. Yes, I heard him call some of the names, but I do not remember what they were now. He appeared to know the persons he had with him.

Protesting again against the wanton disregard of the rules of evidence by counsel for contestant in asking questions the answers to which are and could be hearsay only, counsel for contestee proceeds to cross-examine.

Cross-examination.

Q. You were examined for several days, were you not, in December last about your knowledge of illegal voting at the election held in this county October 10, 1876, and have been examined here part of two days, have you not?

A. Yes, sir.

Q. How does it come, then, that you have not told before about the men voting at Sixth and Vine of whom you have just told in your examination upon recall?

A. Because I didn't know the man's name, and hadn't seen him since I had been arrested.

Q. What man?

A. Brockman.

Q. You didn't have to know the man's name to tell about him and the others voting, did you?

A. Well, I didn't want to tell about Vance, or they wouldn't know who I was talking about?

Q. Well, you told in your former examinations about men voting in your presence whose names you didn't know, didn't you?

A. I believe I did.

Q. Don't you know you did?

A. No, I don't know I did. Yes, I told about men voting in my presence when I didn't know their names.

Q. Then why did you omit to tell about these last men you have just told about voting at Sixth and Vine?

A. Because I couldn't remember the leader of the gang—couldn't remember his name.

Q. What did that have to do with your not telling about him and these other men voting at Sixth and Vine?

A. I didn't want to talk about a gang when I didn't know the leader's name.

Q. Why not?

A. Because I wouldn't have had any foundation to talk on.

Q. Then you had no foundation to talk on about the other five men who you say voted at Sixth and Vine, had you, as you didn't know their names?

A. Yes, sir.

Q. What was it?

A. Well, I know the leader's name now, and that's the foundation. Before I didn't know his name, and I didn't want to talk on any thing when I didn't know any of the names.

Q. Will you please explain what knowing the leader's name has to do with telling about a party of men voting?

A. Well, I wanted to know one of their names in order to explain the gang.

Q. Explain the gang! how?

A. Well, I wanted some name to talk on.

Q. Well, how did you learn Brockman's name—who told you?

A. Well, I knew him when he was brought before me here this afternoon, and he knew me.

Q. Did you know his name?

A. I knew it when I heard it.

Q. Who told it to you?

A. Mr. Campbell asked me if I knew Mr. Brockman, and showed him to me, and said I did.

Q. Was you not sworn in this and the other contested election cases to tell the truth, the whole truth, and nothing but the truth, before you gave your testimony?

A. Yes, sir.

Q. You were asked, were you not, in all the cases to tell what, if any thing, you knew about illegal voting at the election you have been telling about?

A. Yes, sir.

Q. Then why did you omit to tell about these last men with Brockmann voting at Sixth and Vine?

A. Because I couldn't remember Brockmann's name.

Q. Do you know the names of any of the other five men who you say voted with him at Sixth and Vine?

A. I am not sure, but I think O'Brien was one of the party.

Q. The same one who was with you in the morning?

A. Yes, sir.

Q. Can't you be positive whether he was one of them or not?

A. I am not positive that he was.

Q. Do you know the names of any others?

A. No, sir.

Q. Then why, if knowing the names was essential to your testifying that they voted, did you testify about the other four voting?

A. I wanted to know some one's name that I was talking about.

Q. Did you know the name of any of the other four, besides O'Brien and Brockmann?

A. No, sir.

Q. Then how could you testify about those four, if knowing the names was essential?

A. I saw them vote.

Q. Then why didn't you tell on former examinations about these men voting?

A. Well, I didn't know the leader of the gang's name, and thought it would be necessary to know his name.

Q. How did it come that you didn't vote again with the party, if you went up there to Sixth and Vine?

A. Well, I didn't feel like voting.

Q. What did you go up for, then?

A. Just for company.

Q. Company for whom?

A. For the party. I was invited to go up.

Q. Who invited you?

A. This Brockmann.

Q. Did he offer you a ticket to vote?

A. Yes, sir.

Q. Where did he get the tickets?

A. Jim. White gave them to him.

Q. Where?

A. On the corner of Vine and Fifth—Wood's Theatre—Vine and Sixth.

Q. What time of day was it?

A. It was right after we had dinner. I don't know what time of day it was.

Q. Did you stay at the corner while they went and voted?

A. No, sir; I went up towards the polls.

Q. Did you see every one of them hand in his ticket?

A. Yes, sir.

Q. Were any of them challenged?
A. No, sir.
Q. Where did White stay?
A. He was about the polls.
Q. How near you?
A. A short distance from me, talking with Eph. Holland
Q. How near to you?
A. A short distance.
Q. How soon after dinner was it?
A. Right after dinner.
Q. What time did you have your dinner?
A. About noon.
Q. Did these men all vote one after another?
A. Yes, sir.
Q. Who voted first?
A. I think Brockmann voted first.
Q. Under what names did they vote?
A. I don't remember that.
Q. Did you hear the names?
A. Yes, sir.
Q. Can't you remember any one of them?
A. No, sir.
Q. Were any of them challenged?
A. No, sir.
Q. Where did you go then?
A. I went back down Vine street here.
Q. Where did you spend the rest of the day?
A. I don't know exactly where I did spend the rest of the day; down at Hunt's, I think, reading a paper.
Q. I thought you said in your former examination herein that White took your name on a piece of paper when you went to his office?
A. He did.
Q. But you now say Brockmann took it.
A. They both took it.
Q. Why didn't you tell that in your former examination?
A. Because I didn't know his name.
Q. Who is Brockmann?
A. I saw him here this afternoon. That is all I know of it, except that he was connected with the election.

Re-direct.

Q. Counsel for Mr. Harmon, in his cross-examination, has asked in various forms why you had not told about Brockmann and his gang before. Now please state fully why you did not tell about him before, and do it in your own way. Just explain it fully.
A. Well, I had forgot it, and did not think about it till I had seen him. I had never seen him since until I saw him in this office. When I saw him it all came back to me.

PAUL WHEATON.

The further taking of these depositions is adjourned until to-morrow, the 25th day of January, 1877.

WARREN HIGLEY, *Notary Public.*

JANUARY 25, 1877.

Pursuant to the above adjournment, the taking of these depositions is herewith resumed this 25th day of January, 1877.

William Brockman, of legal age, being first duly sworn, deposeth and says as follows:

Q. What is your name, age, residence, occupation, and the length of time you have lived in this city?

A. William Brockman; am twenty-six years of age; residence, 17 Race street; am a teamster, and have resided all my lifetime in this city.

Q. Where have you last worked?

A. At the Sun saloon, a gambling-house and saloon at No. 73 West Fifth street. I have worked there three or four months.

Q. State whether or not you are acquainted with one James White, an ex-policeman.

A. Yes, sir; I am.

Q. State whether or not he was acquainted with the Sun establishment; and if so, how long.

A. He was there before I came. I can't tell how long.

Q. State whether or not you were in the city on the 10th day of October, 1876, the day of the State election. If so, state where you were.

A. I was in the city on that day. I was with Jim. White. I was with him in his office.

Q. Did you have any conversation with him concerning the election? And if so, tell what was done and said at that conversation.

(Objected to.)

A. I had conversation with him concerning the election. He came and asked me whether I wanted to make a little money. I told him "yes." I asked him what there was to do, and he said it was about the election. He took me down to the bank, corner of Fifth and Walnut, and had a fifty dollar bill changed, and gave me five dollars. Then he said, "Go and hunt me up four or five good men." I went and got him five good men. He was to give them five dollars apiece the day before the election. This was on Saturday. I fetched him men up on Monday. Monday night they got five dollars apiece. He told them to be around in the morning early, and he would see that they would get twenty dollars apiece. They all agreed they would, and Holland said he would give them twenty dollars in the morning. But he was not to be found.

Q. State any other facts in this connection.

A. Holland took every man in, one at a time. Jim. White called out every body's name, and put them down on paper. Holland asked every man whether he would be there in the morning, and they said they would. So they came the next morning. I saw them there.

(Answer objected to.)

Q. How many persons were in the room on Saturday?

A. There was nobody there but Mr. White and myself.

Q. On Monday before the election how many were there?

A. I suppose there were about twenty.

(Objected to.)

Q. How many were there on the morning of the election?

A. About the same number.

Q. What did Holland say when he came in?

(Objected to.)

A. He was there when I got there. He said, "You fellows, no harm will be done to any of you. We have plenty of money to back you." White said the same thing. He repeated it over the second time.

Q. What persons were in the room whom you know by name?

A. James White, Eph. Holland, Conway, Jerry Mahoney, Frank Morgan, Dud. Brannan, Tom. Conroy, Thompson, and James McLean.

Q. What did Conway say and do on election day?

(Objected to.)

A. He said there would be no harm to you fellows. He had six or seven men with him, and he went out. That is the last I saw of him till the afternoon. I then saw him with Charley Young, coming down Vine street. They were pretty drunk. They were going towards the polls. He took out a gang of six or seven in the morning.

Q. Who was in his gang?

A. I do not know by name. I would know them if I saw them.

Q. State if you have since seen any one who was in his gang; if so, state who it was and where it was.

A. I have since seen Paul Wheaton, whom I recognized as one of the gang, and whom I did not know before. I have seen others of the gang since on the street, but I don't know their names.

Q. State fully what Conway said after his return from his election work.

(Objected to.)

A. He did not return to the office. I saw him coming down Vine street in the afternoon with Charles Young. I did not speak with him.

Q. Where does Conway live, and what was he doing here?

A. I heard him say that he lived in New York. He was working at the Empire, dealing faro-bank.

(Answer objected to.)

Q. What did Thomas Conroy say or do?

(Question objected to.)

A. He went in the morning with myself, White, and four or five others. We went down to the Fourth Ward polls. He did not say any thing or do any thing as far as I know.

Q. What did Frank Morgan say or do?

(Question objected to.)

A. I did not see him do any thing but hold tickets at the Eighth Ward polls. He held the Republican tickets.

Q. What time did he come to White's office?

A. I think it was about half-past six or seven o'clock A.M.

Witness, upon reflection, desires to correct the statement as to Frank Morgan. He was not in the office on the morning of the election. He was at the Eighth Ward polls on election day.

Q. State what Jerry Mahoney did say or do in the office on that morning, and state what was said to him.

(Question objected to.)

A. He was told by White to take out so many men. He took five or six, I am not sure which. I don't know where to; to some polls. He came back just before dinner, but I don't know whether the men he took along then were the same as those in the

morning or not. He told me that he had come from the Eighteenth Ward. That is the last I saw of Jerry till the next day.

(Answer objected to.)

Q. What, if any thing, did Mahony say regarding the work he had accomplished on that day?

(Question objected to.)

A. He said that he had got in his work pretty well. He said that the men he had were "daisies."

(Answer objected to.)

Q. Did he make any statements as regards the number of votes cast by his "daisies"? If so, state them.

(Question objected to.)

A. He did not.

B. What did Thomas Conroy say or do in White's office on the morning of the election, or at the polls?

(Question objected to.

A. He went down to the Eighth Ward polls. He wanted to know what this meant. I told him I did not know. White took him aside. I don't know what he said to him. I saw him the next day, and he asked me whether I got my money; I told him no. He asked me where White was, and I told him I supposed at his office. That is the last I saw of him.

Q. Who else was sent out in charge of gangs?

A. There was one, a little fellow with a black monstache. I don't know him. He was about five feet six inches and a half high. I saw him early in the morning.

Q. Don't be so chary of your information. State all about him—what he did and said, and what was said to him.

(Question objected to.)

A. He took out five or six, probably more, I don't know. He was the first one that went out. I did not see him after that. I did not hear any words spoken to him by John White or the others.

Q. Do you know the names of any of the men who went in his gang?

A. No, sir.

Q. State whether or not you saw any election tickets in White's office. If so, state what ticket you did see.

A. I did see them; they were Democratic tickets.

Q. State, as far as you saw, what were given to the men.

A. The only tickets I saw were handed out by Jerry Mahoney. They were Democratic tickets. The tickets were on the desk; on Jim White's desk.

Q. State whether or not White supplied any of the men with dinners. If so, state where.

A. At the restaurant, No. 65 West Fifth street. He wanted me to go to dinner, but I would not go.

Q. How many persons did he send to dinner?

A. I don't know how many he sent.

Q. Please examine the ticket I now show you, and say whether it is a fac-simile of those used in White's office.

A. I don't think that is the ticket.

Q. State whether any of the names were stricken off the ticket, or lead-pencil writing on the ticket.

A. I did not see any tickets with the names scratched off, nor did I see any lead-pencil writing on the tickets.

Q. Whose name was on the ticket for sheriff?

(Question objected to.)

A. I am not sure whether it was Moses or not.

Q. Do you remember the names of any persons who were on the Democratic ticket?

A. I do not.

Q. What polls did you visit on the day of election?

A. Fourth Ward, Sixth and Vine; Eighth Ward. That is all.

Q. Who did you take to the Sixth Ward?

A. I did not take any one to the Sixth Ward.

Q. Who did you take to Sixth and Vine streets?

A. Jim White, myself, and four or five others.

Q. Do you know the names of any you and Jim White took to Sixth and Vine?

A. I do not; I might know them again if I saw them.

Q. State whether you did not see one of them in this office yesterday, and did you not recognize him as one of the party you and Jim White took to Sixth and Vine?

(Question objected to.)

A. I did see him in the office yesterday, and I recognized him. I did not know his name at the time we went to Sixth and Vine streets.

Q. Do you know his name now? If so, state it.

A. His name is Paul Wheaton.

Q. What did you do with those parties when you got them to Sixth and Vine streets?

A. James White told me to stop at Sixth and Vine streets and wait till he came back. The other parties went on towards the polls. I waited there, and he did not return, so I walked down to the office. White told me to stay here. When he came here I asked him what I was to do. He said I should stay here. It must have been two or three o'clock when I asked him again, and he said I should stay around the office. I asked him again, and he said never mind, it is all right, just stay here.

Q. State whether or not you saw any of these men vote.

A. I did not see any, but Paul Wheaton said he voted; and the fellow in the blue shirt told me he had voted several times at the polls.

(Last part of answer objected to.)

Q. Have you not to-day stated in this office that you had seen two of them vote?

(Question objected to.)

A. I did not see them vote, but was told those that did vote.

Q. Is it not a fact that you took a gang of men to the Fourth, Sixth, both precincts of the Ninth, both precincts of the Eighteenth, Sixteenth, and Fifteenth Wards?

(Question objected to.)

A. I did not.

Q. State fully what money you received from Holland and White.

A. I received five dollars from Eph. Holland, and thirteen or fourteen dollars from Jim White.

Cross-examination.

[Counsel for contestee, protesting again against the continued incessant and flagrant violation by counsel for contestant, of the well-known rules of evidence in asking leading questions, and questions calling for purely heresay evidence, and in cross-examining his own witnesses, proceeds to cross-examine.]

Q. In what ward is No. 17 Race street, in this city, where you say you live, and how long have you lived there?

It is in the Eighth Ward. I have lived in the Eighth Ward about five years.

Q. Where were you employed before you were employed at the Sun saloon, the gambling-house where you now are employed?

A. I was driving wagon for myself—an express wagon.

Q. What was you doing before that?

A. I drove dray and drove wagon.

Q. In which business was you engaged at the time of the October election, A.D. 1875?

A. I wasn't doing any thing at that time.

Q. How many times did you vote that day, October 10, A.D. 1876?

A. Once.

Q. Where?

A. In the Eighth Ward.

Q. Was you at White's office before said election; if so at what time or times?

A. I was there on Saturday before the election. I was there Monday in the evening.

Q. What did you do there Monday evening?

A. I received five dollars from Eph. Holland on Monday night. I did not do any thing there that night.

Q. How long was you there Monday night?

A. I guess it was between eight and nine o'clock. I suppose I was there about an hour and a half or two hours. I mean it was between eight and nine o'clock P.M. that I went there.

Q. Was that the only time you was there on Monday, the day before the election?

A. Yes, sir.

Q. You say White told you to go and get him four or five good men, and that you did so. Who were they? Give their names and residences.

Q. It is pretty hard for me to give their residences. Frank Morgan, James McLean, Tom Kilroy or Conroy, I do not know which, and Dud Brennan, and James Thompson.

Q. Where do they live; can't you tell that?

A. I do not know where Morgan lives. Brennan lives on Water street. Kilroy lives on Elm street. Thompson lives on Water street. I mean Brennan lives on Front street. McLean lives on Race street.

Q. Where abouts on those streets do they live? Be more particular.

A. Brennan lives on Front between Race and Elm; Kilroy lives on Elm between Front and Second; Thompson lives on Water between Race and Elm—between Vine and Race I meant to say; McLean lives on Race between Front and Second; Morgan lives, I think, on Race street. I am not sure; he used to live there.

Q. Did you count the men who were in White's office either Monday night before or Tuesday morning of the election?

A. I did not count them.

Q. What time was it that you came there to White's office on election morning?

A. Between six and half past six in the morning.

Q. How much of the time during the day of election, October 10th, 1876, were you in White's office?

A. I was there most of the day, off and on.

Q. How many times were you away from White's office that day; how long did you stay each time, and where did you go?

A. In the morning, it must have been about half past six, or may be a little later.

I went down to the corner of Lock and Fifth streets, and was gone it couldn't be quite an hour. Then I came back and staid, I think, until about between ten and eleven o'clock, probably a little later. White then asked me to go to dinner, but I didn't want no dinner. He went away, and I waited there, I guess, until twelve o'clock, and went home to dinner. I was gone only about an hour, and then came back. Then I staid there until two or three o'clock, and then White came in, and me and him and five or six went up Lodge alley here to Sixth street. I was not gone, I suppose, quite a half hour, probably a little longer. Then I came back. I staid about an hour, and then asked Jim White what was the reason he took me around to those polls, and he did no give me any answer. I says to him, are we going to get any more money? He made no kind of an answer, but he walked away and said, "I will be back in a few minutes." He came in a few minutes and says, "never mind, that will be all right." I did not stay there very long, but went away. I guess about half-past three I went down to my ward and voted.

Q. You say you have since seen Paul Wheaton, one of the gang that went out with Conway. When did you see him?

A. In White's office that day.

Q. I say *since* the election.

A. I have seen him since the election at this office.

Q. To whom did you first speak about testifying in this case?

A. To Mr. Charles Hayman.

Q. How did you happen to speak him?

A. I heard he had a warrant on the street for me. He did not say that he had a warrant; he said for me to come to the United States Court in the morning.

Q. Who told you that Hayman had a warrant for you?

A. I heard it from Edward Oumtan.

Q. Did you hunt for Hayman, or meet him accidentally, after you heard he had a warrant for you?

A. I hunted for him—went up to his place.

Q. Did you go to the United States Court on the morning after your conversation with Hayman?

A. I did and met him there. I was first at his place, but he was not in, and then I went to the United States Court.

Q. What then took place there?

A. I think a man named Judge Fay asked me what I knew about the election. Then he said whether I knew Jim White. I told him I did.

Q. Has any thing been said to you about arresting you for any thing you did at the October election?

A. No, sir.

Q. Did you see Frank Morgan on the day of the Octorer election?

A. Yes, sir; I saw him once at the Eighth Ward polls about noon, when I was going to dinner. I saw him no more that day.

Q. Did you see James McLean on the day of election; if so, when and where?

A. I did; I saw him at Jim White's office, between six or six and a quarter in the morning. He went down to the Fourth Ward with me, White, and five or six others. I did not see him again that day.

Q. Did you see Tom Kilroy on the day of the election; if so, when and where? How many times?

A. I saw him in the morning between six and six and a quarter, at Jim White's office.

He also took a walk toward the Fourth Ward. I think I saw him twice. I saw him on the esplanade between ten and twelve A.M.

Did you see Dud Brennan on the day of the election? If so, when and where?

I did; at Jim White's office, between six and six and a quarter in the morning. I think he also went toward the Fourth Ward polls. I think he went up Eggleston avenue. That is the last time I saw him.

Q. Did you see James Thompson on the day of the election? If so, when and where?

A. Saw him at Jim White's office. He also went to Fourth Ward polls. I did not see him any more after that.

WILLIAM BROCKMANN.

I. J. Miller, of lawful age, being first duly sworn, deposeth and saith as follows:

Q. State your name, residence, and occupation.

A. I. J. Miller; residence, Cincinnati, Ohio, and am an attorney at law.

Q. State what connection, if any, you had with the campaign of the State election, held October 10, 1876.

A. I was the Chairman of the Hamilton County Democratic Executive Committee.

Q. State whether or not if you are acquainted with one James White, and if so, state what connection he had with the campaign or the Democratic Campaign Committee.

A. I know one James White; he had no connection with the campaign or the Democratic Campaign Committee that I know of.

Q. If he had rendered any service would you not necessarily known it from the position you occupied?

A. I do not know that I necessarily would know of it, if he had rendered any service, I only know that if he did render any service I don't know it.

Q. State whether or not you know of Mr. White having been paid money for services, or supposed services, rendered the Democratic party at said election.

A. I don't know.

Q. State whether Mr. White made any demand on you for money, or any member of the Democratic Campaign Committee, for any services which he alleged to have rendered the Democratic party.

(Counsel for contestee objects and protests again against the wilful disregard of the rules of evidence, by counsel for contestant, in asking questions which call for answers which are purely heresay, and can be nothing else.)

A. I decline to answer the question.

(Counsel for the contestant for the present waiving his right to compel answer to a question, asks the following question:)

Q. Is it not a fact that a large sum of money was paid to James White for services which he rendered to the Democratic party in the said election, and was not the money paid at your special request and instance, as Chairman of your Executive Committee?

A. No.

Q. Did you request or authorize any person to pay said James White money, or was such request made in your hearing or presence?

(Objected to by contestee.)

A. I decline to answer the question.

Q. Did not you and the Hon. Alex. Long, or either one of you, procure, to be paid the said James White, a sum of money, a few days after the October election, for services rendered the Democratic party at said election?

(Objected to by contestee.)

A. I decline to answer the question.

Q. Upon what ground do you decline to answer the above question last put?
A. I only decline to answer it for the present.
Q. Have you not on file a voucher for a large sum of money paid to White?
A. No.
Q. For any sum of money paid to White?
(Objected to by contestee.)
A. I decline to answer the question.
Q. On what ground do you decline to answer that question?
A. I only decline to answer it for the present.
Q. Do you know whether such is the fact or not?
A. I do know whether it is not.
Q Then, if you know, why do you decline for the present to answer?
A. Because I think it is right for me to decline for the present.

(Counsel for the contestant respectfully insists upon an answer to each of the tions the witness declines to answer, and asks the witness be attached for contempt, and until the witness answers the said above questions, counsel is unable to proceed with examination.)

The further taking of the deposition is adjourned, by mutual consent of parties, to such time as counsel for contestant may recall the witness, January 23, 1877, at 6 P.M.

WARREN HIGLEY, *Notary Public.*

JANUARY 23, 1877.

The further taking of this deposition is herewith resumed, as per adjournment.

Q. State whether or not you are acquainted with one Dick Hollywood, of Indianapolis.
A. No, I don't know him.
Q. Did you hear of him as being here on the day of the last State election? Have you any knowledge of him?
A. I have no knowledge of him, and I have no recollection of having heard of him being here, or any thing about him.
Q. State whether or not you have any knowledge, by hearsay or otherwise, of the payment of $700 having been paid to a party from Indianapolis, for services rendered at the State election.
A. I never heard of it in any way.
Q. Will you now please answer my previous questions in regard to the payment of money to James White?
A. I will not answer them.

I. J. MILLER.

Col. Lewis Weitzel, of lawful age, being duly sworn, deposeth and saith as follows:

Q. State your name, residence, and present business.
A. Lewis Weitzel, Avondale, Hamilton county, Ohio, and am collector of internal revenue for First District of Ohio.
Q. State whether or not you were in this county on the 10th day of October last, and whether you took any part in the said election.
A. I was in the county on that day, and did take part in the said election. I was a member of the Republican campaign finance committee.
Q. State what, if any thing, you know concerning fraudulent voting or repeating done in the interest of the Democratic party on that day, and state fully the resources of your information.

A. I was called upon at my home on the morning of the day of election, about five o'clock, by a party of four men, in a two-horse carriage, who stated to me that for a certain consideration they would take me to a building in the lower portion of the city and introduce me to a party of twenty-five men, who were there collected to work for the Democratic party that day, but who would, for this consideration, "give away," or "throw up" that party and work for the Republican party in the same manner. I told them I was not in possession of any funds to be used for such purpose. After some further parleying, and more for the purpose of becoming rid of the disagreeable business, I advised them to call upon R. H. Stephenson, Chairman of the County Republican committee.

(Answer objected to.)

Q. State whether or not a proposition was made by one of the party to break up the organization, and aid in the arrest of the parties operating, and, at the same time, state the names of the parties who called on you.

(Question objected to.)

A. There was a conversation relative to such a move as that; but as I had no funds in my possession whatever, I failed to entertain the proposition. At the present time I only know the names of two of the parties; they were Peggy Ryan and a Mr. Cary. They said that for a consideration they would take me in their carriage and bring me direct to the place. I did not pay much attention to the matter, because I thought it was a "bluff" to make a "raise."

Q. State whether or not you are acquainted with one James White—if you had any conversation with him concerning the election, and if so, state what it was.

(Question objected to.)

A. I am; I did have some conversation with him a day or two before the election of October last. I met Mr. White on Vine street, near Fourth street. He entered into a conversation with me by stating that he was somewhat hard up and wanted to make a "raise," and to make that raise, he proposed to benefit the Republican party. He proposed to me to advance him one thousand dollars, of which amount he candidly admitted he proposed to retain five hundred dollars for himself, the balance to be used by him in paying the expenses of parties that were to "get in" their work. The details as to how that work was to be done was not communicated. He furthermore stated that a gang of repeaters had been organized in this city for the purpose of working the Democratic ticket; that he preferred to have the Republican party get the benefit of that organization. I requested him to call on me next day. I failed to see him again until the election was over.

Q. State when you first made this matter known, and to whom.

A. I first mentioned the matter to Mr. Campbell yesterday.

LEWIS WEITZEL.

[Contestee declines to cross-examine.]

Elon Strong, of legal age, being first duly sworn, deposeth and saith as follows:

Q. State your name, age, residence, and occupation.

A. Elon Strong; am fifty-six years of age; residence, College Hill, Hamilton county, Ohio, and am a carpenter by trade, and am at present acting 'Squire.'

Q. What connection, if any, did you have with the October election held in this county?

A. I was one of the judges of election at the College Hill precinct of Millcreek township.

Q. State if you know one Adam Troutman—if you saw him on the day of election, and if so, tell what he did.

A. I know him. I saw him on election day. He came and handed a ticket in the window—an open Democratic ticket—and presented his naturalization papers. He afterwards stated at the Presidential election, under oath, that he had only been in the country four years and a half.

Q. State, if you know, where Troutman is at present.

A. No, sir. He left within a day or two after election, and has not been heard of since.

Q. State if you are acquainted with one Jos. Fuller, and what he did on election day.

I am acquainted with him. He voted at the College Hill precinct in October.

Cross-Examination.

Q. How long had Adam Troutman lived in the College Hill precinct of this county prior to the October election, A.D. 1876?

A. Well, he had lived there, I think, a little over twelve months.

Q. How old a man was he at the time of said election?

A. He claimed to have come twenty-one years of age in the fall some time before the election.

Q. How old would you say he was from his appearance?

A. I should suppose he was about the age he said he was, from his appearance.

Q. Was he married or single?

A. He was a single man.

Q. Which election was it a day or two after which you say he left?

A. A day or two after the Presidential election.

Q. At which election was it that he produced his naturalization papers as you say?

A. He had them at both. I think his papers were dated about the 4th of October, 1876.

Q. What was his business at College Hill?

A. He was a shoemaker.

Q. Did he work for himself or for some one else?

A. He worked for Jacob Waldman as a journeyman.

Q. How do you know he has never been heard of since?

A. He left and hasn't been back since, and Mr. Waldman told me had been down to the place in Cincinnati where he used to board before he came to College Hill, and learned that he had stayed there one night and then left.

Q. Where did the Jos. Fuller you say voted at the October election in your precinct, live?

A. He was a widower, and had been living all the spring and summer of that year (1876) at Mr. Craig's, on College Hill, in that precinct. He was a bricklayer, and sometimes would be up in Butler county a week or two, but he always came back on Saturday night, and made Craig's his home. I think he voted at College Hill at the spring election—I am not sure.

ELON STRONG.

The further taking of these depositions is adjourned until to-morrow, the 26th day of January, 1877.

WARREN HIGLEY, *Notary Public*

JANUARY 26, 1877.

The taking of these depositions is resumed, pursuant to adjournment, on this 26th day of January, 1877.

J. R. Quinton, of legal age, being first duly sworn, deposeth and saith as follows:

Q. State your name, age, residence, and business.

A. My name is J. R. Quinton; age, thirty years; live in the Twenty-first ward, Cincinnati, Ohio; an agent.

Q. State whether or not you were in this city on the 10th of October, 1876, at the time of the State and county election.

A. I was.

Q. State whether or not you performed any duty in regard to the said election, and state what, if any thing, you know in regard to repeating or the casting of illegal votes at said election.

A. On election morning, the 10th of October, 1876, before the polls opened in the Twenty-first ward, I met Mr. Ryan and one other gentleman with my two brothers-in-law. There had been an understanding between them that a party was going to cast illegal votes, and they desired me to go with Ryan and this other young man to see if it couldn't be stopped. I got into a carriage with Ryan and the other man to go and meet another party at Fourth and Plum streets. In going from the Twenty-first ward they told me that Jim White had a crowd of fellows in his office ready to start out; also told me they had been to Lew. Weitzel's house to see if he wouldn't do something to have it stopped—to have these fellows bagged. On our arrival at Fourth and Plum we met another party. I then went up to the Republican headquarters, corner Fourth and Elm; met Mr. Stevenson and Lew. Weier, and told them I wanted four or five men to help me. They said they had no one there to help me. I went from there on to the Sixth street engine-house, near Vine, and got a man by the name of Bennett to assist me.

Counsel for contestee objects to so much of this answer as relates to the conversation of witness with third persons.

Q. State whether or not you received any additional help for the purpose of detecting illegal votes at said election.

A. After coming down here I got two other men to look after the parties I had pointed out to them.

Q. State whether or not you were in White's office on that day, if you saw him, or had any conversation with him concerning the election.

Question objected to (last part).

A. I met him that day and had a conversation with him that day; yes, sir. I was not in his office. I told him that things were very crooked here, and I didn't care particularly about him, but I was looking after somebody else; that there was trouble ahead for them, and they'd find it out. On Sixth and Walnut I was with Mr. Ryan and two more, when Jim White came round the corner and wanted to lick them. Said they were interfering with his business. George Ryan, Billy Carey, and John Ryan were the party he threatened to whip.

(Answer objected to.)

Q. State, if you know, where White's office was, whether or not you watched it on said day, and how many parties you saw leave his office that day.

A. I understood his office was No. 65 West Fifth street, and from this place I saw him going in and out. I watched there off and on in the morning. I suppose I saw not less

than ten different men come out and go in, and go to the polls and back again. I followed some of them, and on my arrival at the polls put other people on them.

Q. My question asks whether or not you saw gangs of men leave White's office?

A. Yes, sir; I saw them go two or three at a time, and I think five at one time. This is the most I saw at one time.

Q. How many times did you see parties of three or more come out?

A. I saw these parties coming in and going out a good many times; don't remember just how many times.

Cross-examination by Counsel, W. F. Wilson, for Contestee.

Q. Have you ever been in White's office?

A. No, sir.

Q. Do you know in what part of the building his office is situated?

A. No, sir.

Q. Are there not other offices in the same building?

A. Yes, sir.

Q. When you say you saw persons come from White's office, do you mean you saw them come out of his office or out of the building in which his office was situated?

A. I saw them coming out of this building.

Q. How many of the persons that you saw coming out of the building did you follow to the polls?

A. Three on one occasion to the One's engine-house, and two to the Gift engine-house, or to Lodge street, on their way towards the Gift engine-house, and two or three to the Four's engine-house, on Sycamore street.

Q. Did you see any of the parties whom you followed vote? If so, how many, and how often?

A. I saw two of them vote at One's engine-house once each, and then I put a party to follow them.

Q. Did you see any of the parties whom you saw going out of the building come back to it at any time during the day?

A. Yes, sir.

Q. Did you see White at any time during the day come out or go into the building? and if so, how many times?

A. I saw him come in and out every now and then, both afternoon and morning.

Q. Was he alone, or was any one with him?

A. Sometimes he would come out ahead of the parties I was looking after, and sometimes behind them. I couldn't say he came out with any of the parties from the building. Sometimes he would pass them coming in or going out, and he would speak to them.

Q. How much of the day were you with George Ryan, Billy Carey, and John Ryan?

A. I was with some of them, off and on, most all day.

JAMES I. QUINTON.

Henry Gerke, being first duly sworn, deposeth as follows:

Q. State your name, age, residence, and business.

A. Henry Gerke; age, twenty-nine years; live in Cumminsville, Twenty-fifth ward am a contractor.

Q. State whether or not you know one Joseph Fuller; and if so, what you know concerning him on the day of the election held October 10th, 1876, in the State of Ohio and Hamilton county.

A. I know Joseph Fuller. On that day I went up to Bunker's Hill with Banning's carriage after a load of ten or twelve Irishmen. When I came there the Irishmen were all gone, and I and Jo Fuller was in the saloon called Bunker Hill. I took tickets out of my pocket, and he took a ticket and said he'd vote the whole ticket, but not for Banning. I asked him why, and he said he didn't like him. I took him into the barouch and took him to Cumminsville, and left him at Knowlton's corner, on the sidewalk. I don't know whether he voted or not. It was a Democratic ticket I gave him. I am no Republican. The corner is about one hundred yards from the polls where they were voting.

Q. Did you not know that Fuller was a resident of and had voted at College Hill?

A. No, sir.

Q. Did you know where he resided at that time?

A. No.

Q. Did you give him the straight Democratic ticket?

A. Yes, sir.

HENRY GERKE.

W. H. Furry, being first duly sworn, deposeth and saith as follows:

Q. State your name, age, residence, and business.

A. My name is W. H. Furry; age, thirtx-six; residence, South Cumminsville, Twenty-fifth ward; a grocer.

Q. State if you are acquainted with Joseph Fuller, and what you know about his voting at the October election of this State and county, where and what ticket he voted.

A. I am acquainted with Jo Fuller now nearly two years. I saw him vote at the October election, in the afternoon, at Cumminsville. I did not see his ticket, but he said when he deposited his vote that it was a straight Democratic ticket—another vote for Banning.

(Answer objected to as to what Fuller said.)

Q. Where is the said Fuller now?

A. From what I know he is in jail, in the custody of the United States Marshal.

W. H. FURRY.

Alexander Long, being first duly sworn, deposeth and saith as follows:

Q. State your name, age, residence, and business.

A. Alexander Long; sixty years old; reside in Cincinnati, Ohio; am attorney-at-law.

Q. State what, if any, connection you had with the State election held October 10th, 1876.

A. I had no connection with the October election, except that of a citizen, and perhaps a little more active in my ward than other citizens. I have no official capacity with reference to the election.

Q. State whether or not you were not the recipient of a large sum of money, which you disbursed as your judgment dictated for the benefit of the Democratic party at the October election.

A. I was not the recipient of a large sum of money. I disbursed, in the payment of men, all of whom were citizens and voters in the Sixteenth ward, for standing at the polls and holding tickets on the day of election, in the First and Second Precincts of the ward, the sum of one hundred dollars in each precinct.

Q. State whether or not you know of sums of money having been paid for election purposes other than those you have named.

A. I don't know of my personal knowledge; that is, I did not see the parties receive

the money; but I was informed that each of the committeemen—I mean the Democratic committeemen in the Sixteenth Ward—had $50.00 to spend in the same manner in which I expended the $100. In the same way I was informed of the amount of money expended by the Republican executive committee in the ward, and for the same purpose.

Q. Are you acquainted with one James White? and, if so, was he a member of the Democratic committee?

A. I know James White, the detective. I don't believe he was a member of the Democratic executive committee. I don't know who they all were.

Q. State whether or not he received any money for services rendered the Democratic party at the October election, 1876?

A. I don't know that he received a dollar.

Q. Have you not heard, and, if so, from whom have you heard, that he did receive a large sum of money.

[Objected to.]

A. I have not heard from any one that he received a large sum of money.

Q. Any money?

[Objected to.]

A. I have not heard any one say that he gave him money. I have heard one man say that another man told him that he (the other man) had given him, some time after the October election, perhaps about the first of November, $100. But the man who gave me this information said he did not know whether the other party, who claimed to have given him the money, had actually given it to him or not, and that he had doubts as to whether he had.

Q. Who was the party that so informed you?

[Objected to.]

A. I don't think I ought to be called upon to give the names of gentlemen, or a gentleman, with whom I had this conversation. But as I have no information from him, or any one else, that this $100, if given at all, was given for other than legitimate purposes, I will say that the name of the gentleman whom I heard speak of the $100, as above stated, was Isaac J. Miller, Esq.

Q. Please state who Isaac J. Miller is, and what official position he held with reference to the October election aforesaid.

A. Isaac J. Miller is a practicing attorney at the Hamilton county bar, and was chairman of the Democratic Executive Committee.

Q. State whether or not you know of, or have heard of, money being paid to one Dick Hollowood, of Indianapolis.

A. I have no recollection of ever having heard of Mr. Hollowood's name, or of money being paid to him.

Q. State whether or not you know, or have heard of, money being paid to one Burns, of Chicago, for purposes connected with the October election.

A. I have never heard of any man by that name from Chicago that I can now recall. I know of no money having been paid to such men, or any other from Chicago, neither have I heard of any such thing.

Q. State whether or not you have heard or know of any money being paid to one Jack Conway, from New York, for services rendered to the Democratic party at said election.

A. I never heard of Jack Conway, or such a man, until his name was mentioned by he witness Wheaton, in the contest of Mr. Bernard's case, and I never knew or heard of

any money being paid to him except what Wheaton testified to, that Conway told him that he had received $5.00.

ALEXANDER LONG.

Charles W. Overaker, being first duly sworn, deposeth and saith as follows :

Q. State your name, age, residence, and occupation.

A. Charles W. Overaker; 34 years old; Mt. Auburn, Cincinnati, Ohio; bookkeeper; at present chief deputy in sheriff's office.

Q. State whether or not you know one Charles Young, who was indicted for illegal voting, and was confined as a prisoner in the jail of Hamilton county.

A. I do not.

Q. Did you ever see and speak to him?

A. In passing through the jail on business with the jailer, Young was pointed out to me; but I never spoke to him.

Q. State whether or not you knew that he was a witness in the contested election cases. I refer to those cases wherein Louis G. Bernard, who claims to be Clerk elect, W. P. Wallace, who is now the acting Sheriff, and Judson Harmon, Esq., the contestee in this case, were defendants.

A. Only from hearsay.

Q. Do you not know that he was a witness in said cases as well as you know there is such a place as Europe?

[Objected to.]

A. I am not as willing to believe that he was a witness as I am to believe there is a country called Europe.

Q. Have you any doubt that he was a witness in the said cases?

[Objected to.]

A. No, I have no reason to doubt it.

Q. Is Young still in confinement in the county jail? If not, when did he leave it, and was he discharged by process of law?

A. I can not say positively if he is in the county jail at present or not. I can't remember the day I read of his exit from the jail.

Q. Did you not know that he had escaped before you read of it in the newspapers?

A. That I decline to answer.

Q. Was there not a combination entered into between R. D. Flannigan, Daniel McCarthy, turnkey of Hamilton county jail, Thomas English, W. P. Wallace, acting sheriff, Patrick Moran, one of the watchmen of the jail, and yourself for the purpose of effecting the escape of said Young from the custody of the United States Marshal, and for the purpose of defeating the taking of his testimony in this and the other contested cases?

[Objected to by contestee.]

A. I decline to answer that, on the ground that I am instructed by my counsel not to answer questions that I consider not relevant to this case.

Q. Do you consider that question not relevant to this case? and, if so, on what ground do you so consider it?

[Objected to on the ground that the witness is not bound to express an opinion.]

A. I decline to answer.

Q. State whether or not you are acquainted with R. D. Flannigan.

A. Very slightly.

Q. Have you paid him any money for his services in aiding and effecting the escape

of Young, and preventing him from giving testimony in this and the other contested cases

[Objected to on the ground that it is not material to the issue.]

A. I never did.

Q. State whether or not you recognize Mr. Flannigan's handwriting; and please examine the affidavit now handed to you, and state whether or not the matters therein stated are true, or any part of them.

[Objected to by contestee.]

A. I never knew of any money being paid to him, and further I decline to answer.

Q. Please examine the affidavit now handed to you made by Fred. A. Herman, and state whether or not the facts therein stated are true.

[Objected to.]

A. In answer to that, Flannigan called at my office, and asked the loan, promising to pay out of the first money he received by his labor the ten dollar bill. I authorized Fred. to give him, as I did not at that time have the amount with me.

[Answer objected to.]

Q. Please examine the affidavit made by Patrick Moran, and state whether or not the matters therein alleged are true?

[Objected to.]

A. As to all, except where he mentions my name, I know nothing about, and further I decline to answer.

The witness persisting in his refusal to answer, though often requested and commanded so to do, was then and there committed for contempt.

WARREN HIGLEY, *Notary Public.*

Edward J. Thompson, of legal age, being by me duly sworn, deposeth and saith as follows:

Q. State your name, age, occupation, and place of residence.

A. Edward J. Thompson: age twenty-eight; occupation drover; and reside on Water, near Race.

Q. State whether or not you are acquainted with one James White; and if so, state whether or not he had any conversation with you concerning the October election.

(Question objected to.)

A. He had none personally with me; he spoke to the parties in the room generally.

Q. What room?

A. It was a room in the building No. 65 West Fifth street.

Q. When did you go there? with whom? what was said and done there?

(Objected to by counsel for contestee.)

A. I went there the evening before the election in company of Mr. William Brockman. When I got inside there were between twelve and fifteen gentlemen there; Jim White came in there and said that he expected every person in there knew what they were there for. He expected them to keep their mouths shut, and that they would get twenty-five dollars for their services; and that they would get five dollars that evening, and twenty the next morning. A few moments afterwards, Eph. Holland came in and went into a side room. Jim White called the names, and each one went in separately. I don't know what they got; I know I got five dollars. He told us to come around the next morning at 6 A.M. I then left. I went there the next morning. Jim White was there, and there were eight or ten other men who had been there the night before. Jim White said that the money would be all right; that they should fall in line, twos by

twos, and follow some one dressed in a light suit; I don't know his name. I walked down with some party, I am not positive with whom.

(Answer objected to.)

Q. State the names of as many as you know who were present on either occasion.

(Objected to.)

A. James White, William Brockman, Frank Morgan, Dud. Brennen, Tom Conroy, John O'Brien; that is all I remember of the night before. Next morning I saw all of those parties except Morgan and Brennen. There were other parties there, but I did not know who they were. We left there and started down to the Fourth Ward's polls, and when I got down there I stood there with Brockman for about a half hour. I did not see any of them vote. I started this way with Brockman, and then went down to the Eighth Ward, where I stayed nearly all day. I voted once in the Second Precinct of the Eighth Ward, where I live.

(Answer objected to.)

Q. State what, if any thing, you saw Brockman do on election day.

(Objected to.)

A. The only thing I saw Brockman do was before the election, when he was speaking to the men about making money; he never told them what it was for; only said, call at the office on the corner of Fifth and Lodge Alley, near the Sun Saloon; he would be around there and would see us, and take us in the office.

Q. What relationship does Brockman bear to you?

A. He is a brother-in-law.

EDWARD J. THOMPSON.

Richard D. Flanagan, being first duly sworn, deposeth as follows:

Q. State your name, age, and residence.

A. My name is R. D. Flanagan; I am twenty-two years of age; residence, 18 New street.

B. Are you acquainted with Charles Young, who was a witness on this and other contested election cases, and who escaped from the United States Deputy Marshal on the evening of the 27th of November, 1876?

(Objected to.)

A. I am.

Q. Do you know where he was stopping previous to the 27th of November, 1876?

A. He was confined in the county jail, on a charge of illegal voting.

Q. State if you know how he escaped: who assisted him; how the escape was effected; state all of the details.

(Objected to.)

A. Well, the first thing I heard of it, a party came to me and said, Young wants to see you. Eddie Moses told me that he had been up to see Westjohn at the county jail, and Young called him over, "Tell Flanagan to come up here and bring me some whisky." I told Eddie, "All right, I will be up there." The next thing I did was to go up there and bring whisky. Young told me, says he, "I am going to try to get away; can't you help in some way?" He says, "You and the parties concerned are the only ones I can trust in this." I said I would do any thing I could. He said, all right, to watch for him at corner Longworth and Plum streets the next evening, as he was going to the Esquire's office to give in more testimony. I told him I would be on hand. He told me that I would see a party in the meantime who would inform me what to do.

The further taking of this depositions is adjourned until the 27th inst., between the hours of 8 A.M., and 6 P.M.

WARREN HIGLEY, *Notary Public.*

JANUARY 27, 1877.

The taking of this deposition is resumed, pursuant to adjournment, on this 27th day of January, 1877.

Q. State whether or not you were informed what to do; if so, what was it?

(Objected to.)

A. The party that I met told me to meet him the following afternoon, and he would tell me what to do; which I did. We went to a stable and procured two buggies; one of them I took, and the other party took the other. I then went to the appointed place with the buggy and waited there until the other buggy came up. Very soon after, Young made his appearance with Deputy Marshal Jeffries. They went in a saloon on the northwest corner of Longworth and Plum. I was present at the time. Charley Young called for the drinks, which we all partook of; I then called for more drinks. Mr. Jeffries wouldn't drink either time. Charley Young says, "I want to go back in the yard a minute." Jeffries said, "All right, Charley, don't be long, for we must go up to the jail." He said, "Not a minute, not a second before I come back." Then I stood there talking with Jeffries. I then got out; but in the meanwhile Charley Young got into a buggy and drove off down the street. Then I got out and jumped into another buggy and drove down towards Vine street, and turned right up and came back to the saloon again. They then told me that Charley Young had escaped. I said, "Is that so?" They said "Yes!" Then I drove off and took the buggy home. Afterwards I came down by the jail, and was there met by a party who handed me a ten dollar note, which I accepted; I then walked down to the saloon. Walking across Fifth street and Plum, I met Jeffries. He said, "Charley has got away from me; have you seen any thing of him?" I told him, "No, I didn't see any thing of him." He says, "I am the sorest man in this town." I says, "That's so." I then walked away. Met Wallace, the sheriff, next day in one of the Deboldt Exchange doors; I then told him that fellow's gone, meaning Young. He then lipped me two notes, which amounted to fifteen dollars—a $5 and a $10.

Q. Who was the party who handed you the ten dollar bill?

A. Patrick Moran.

Q. Who is Patrick Moran, and where is he employed?

A. Night watchman in the jail; he was there under Sheriff Springmeier, and is still there under Wallace.

Q. Who was the party which you say Young told you would see you?

A. Moran, the watchman.

Q. Who else has paid you any money as a compensation for aiding in Young's escape besides Moran and Wallace?

A. That's all, except I went into the Club House, and Fred. Harmon, the barkeeper, gave me ten dollars, and I gave him a wink, as much as to say, Is that from Overaker? He said yes. This occurred a few days ago. About three days after Young's escape I got ten dollars more from Wallace. I met him since in the Atlantic Garden previous to getting the last ten dollars, and had a conversation with him. He said he didn't know me, didn't want to know me, didn't owe me any thing, and would give me no more after that ten; he thought it was enough. I said I don't think it is. With that we parted. That made in all I got from him, personally, twenty-five dollars.

Q. Where did you get the buggy of which you speak?

A. I can't tell the name of the street it is on, but I can show where the stable is, or go to it.

Q. Who paid for the buggy, if you know, and how much was paid?

A. I do not know who paid for the buggy, nor how much was paid. No questions at the stable were asked me.

(Counsel for contestee, objecting to and protesting against the calling of the foregoing witness in this case, and against the testimony he has given herein, because it does not relate in any way to the matter in issue herein, but is wholly irrelevant thereto, and in no way relates to this contestee, declines for the present to cross-examine said witness, reserving the right, however, to do so hereafter if he so desires.)

R. D. Flanigan.

James Markward, being first duly sworn, deposeth and saith as follows:

Q. State your name, age, residence, and business.

A. My name is James Markward; am sixteen years old; live at 336 Lime street, Cincinnati, Ohio; a carriage-maker—a helper working at it.

Q. State whether or not you remember the last October election; if so, did you take any part in it? and state fully any knowledge you may have of the casting of illegal votes at said election.

(The last part of question objected to.)

A. Yes, sir; I remember. I took no part in it. I know one young man by the name of Johnny Marks, who voted in the Fourteenth ward, second precinct. I didn't see him vote at the polls. He told us all that he voted in the Fourteenth ward and second precinct.

(The last part objected to.)

Q. How old was said Johnny Marks at the time of the election, if you know?

A. I don't know exactly how old he was. I think he was about nineteen years old.

James Markward.

George Kirk, being first duly sworn, deposeth and saith as follows:

Q. State your name, age, residence, and business.

A. My name is George Kirk; am forty years old; live at 79 west Fifth street; am a laborer.

Q. State what connection you had with the last October election, and all you know about illegal voting or repeating done that day.

(Objected to.)

A. I was employed to work at the polls of the first precinct, Eighth ward, October 10, 1876. Well, all I know is they came there and voted in that precinct. After they voted there they started down Race to Front street. Mr. Quinton told me to follow them to the other precinct, and see whether they voted there or not. I did so. I saw them go up and vote; and after they voted they went up Plum street as far as Second street. They came along Second to Race; then they came up Race towards Third street. I didn't follow them any further. I went to the polls to work.

Q. State how many were in the party, and give their names if you can.

A. There were three or four. I don't know the names of any only Brockman.

Cross-Examination.

Q. Are you white or colored?

A. I am a colored man.

Q. You say you are a laborer and live at No. 79 west Fifth street? What do you do as laborer, for whom do you do it, and what is No. 79 west Fifth street?

A. I clean houses. I have a room at No. 79 west Fifth street. I work all over town I clean house for various prominent people.

Q. You say in your examination in chief that "they came there and voted," etc., at the first precinct of the Eighth ward? Whom do you refer to?

A. I refer to Mr. Brockman and the young men that were with him.

Q. What Brockman? Give his full name.

A. Well, I don't know his other name.

Q. Is it the same man who testified in this case the other day?

A. Yes, sir.

Q. What were you employed about at the polls you refer to?

A. I was employed to work the Republican ticket.

Q. Who employed you, for how much, and what do you mean by working the Republican ticket?

A. Mr. John Kebber; for five dollars. That is what I got—I mean to hold Republican tickets.

Q. What was your station?—where did you stand while holding tickets?

A. I stood most of the time—well, I didn't stand any place in particular. I was back and forth between the corner of Second and Race and the engine-house where the polls were.

Q. What time was it that Brockman and the others came down and voted as you say?

A. I don't know really what time in the day it was. I think it was some time in the middle of the day.

Q. Did you know any of the men with Brockman?

A. I don't. I don't think I ever saw them before.

Q. Where were you when they voted at the first precinct?—how near the polls?

A. I was about ten feet off.

Q. What names did the men give in voting at your precinct?

A. Well, I don't recollect what names they gave.

Q. Don't you recollect any of them?

A. No, sir.

Q. What names did they give in voting at the other precinct?

A. I wasn't close enough to hear the names they gave. I only saw them give in their tickets.

Q. How far were you off when they voted the last time?

A. I must have been at least about thirty or forty feet off.

Q. What did you say or do when you saw them voting the second time?

A. Well, I didn't say any thing. They came up Plum to Second after voting, and then back Second to Race.

Q. Did you challenge them, or tell any one else to do so?

A. I didn't challenge them; no, sir; I didn't, because I was only told to follow them.

Q. Why didn't you keep on following them then?

A. Well, because I was working then in that ward, and I was only told to follow them to the second precinct.

Q. Who is this Mr. Quinton, who told you to follow them?

A. His name is James Quinton. I think he is ticket agent at Robinson's Circus.

Q. Did you see any one you knew at the second precinct of your ward when you followed these men?

A. No, sir; I didn't.

Q. Did you see them, or any of them, speak to any one at the second precinct polls?

A. No, sir; I didn't.

Q. Were any of them challenged or questioned at either place?

A. I didn't see one challenged or questioned at either place.

Q. Did you set some one else to following them when you left them?

A. No, sir; I didn't. I came back to the corner of Second and Race, and told some of them there about it.

Q. Who did you tell about it first that caused you to be a witness here?

A. I told Mr. Quinton about it when I saw him.

Q. When was that?

A. Yesterday, I believe.

Q. Did you tell any one else about it?

A. Yes, sir; I told Mr. Kebler about it.

Q. Do you know of any fraudulent votes being cast in your precinct for the Republican ticket?

A. No, sir; I don't. I don't know whether these men voted the Republican ticket or the Democratic ticket. I don't know which.

Q. Is it not a fact that other men voted in your precinct that day who had no right to vote there, and voted Republican tickets?

A. Not as I know of.

Q. Don t you know it to be a fact that a large number of colored men voted there who did not live in the ward, and others who had not lived there long enough to be voters.

A. No, sir, I don't know of any of them voting there who had no right to vote; a good many of them were cheated out of their right to vote there.

Re-cross examination.

Q. State whether or not if each colored man who offered to vote was not challenged.

A. Yes, sir, there were, all but two that I saw, and I saw nearly every colored man that voted. I did not go to dinner. I was absent for fifteen or twenty minutes at the other polls; that was all I was absent from six in the morning till six in the evening.

G. M. KIRK.

Patrick Moran, being first duly sworn, testifies as follows:

Q. State your name, age, residence, and occupation.

A. Thirty-two years of age; live at No. 175 Broadway; am watchman in the county jail.

Q. When were you appointed to that position and who by?

A. By the County Commissioners, in 1875.

Q. Under whom are you now acting there?

A. Under Sheriff Wallace.

Q. Are you acquainted with Charles Young, who was confined in the county jail by virtue of a commitment from the United States Court, on a charge of illegal voting.

A. Yes, sir.

Q. State whether or not you know of his having been a witness in this and the other contested election cases.

A. Yes, I knew he was.

Q. State, if you know, how he escaped; if so, state it fully.

A. Yes, I know how he escaped. He got away in a horse and buggy.

Q. Who procured the horse and buggy? From where was it procured? From where did he escape? In short, tell all the circumstances, from the first act till the last.

A. He escaped from the saloon at the corner of Longworth and Plum. I procured two buggies from Hackman & Slustenberg, No. 450 Walnut street. An official, whose

name I will not mention, spoke to me about the escape of Young. He said, "Young wants to go. Get him away." Young said he had plenty of chances to beat the Marshal, and said the parties were damn frauds that would not get him out of this. I got money to furnish two vehicles to take him away. The idea of two buggies was, one to make a break past the house, as a stall, or blind, and then he was to be got in the other and taken away. Young told me he would make the start from Plum and Longworth. He told me to have the buggies there.

Q. How much money was furnished you to effect the escape?

A. There was thirty-one from one party and ten from another.

Q. Who furnished you with the ten dollars?

A. Charles W. Overaker.

Q. Who is he?

A. He was book-keeper under the then Sheriff, Mr. Springmeier, and is now chief deputy under Sheriff Wallace.

Q. Who furnished the thirty-one dollars?

A. I will not name him. It was the same official I referred to a few moments ago.

Q. Who was present and assisted at the time of the escape?

A. There were two in the saloon—Mocky Flanagan and Tom English. The sam parties assisted in the escape.

Q. State what Charles W. Overaker said to you, and what you said to Overaker, in regard to the escape of Charles Young.

(Objected to.)

A. After I came back, I met Charles Overaker. I said the job was done. He said: "Go away; I don't want to talk to you, at all." Then, the next morning, I went to him to get the pay for the buggies. He hadn't the money then, and told me to call around after awhile. I was around there in the afternoon, and got the money. As I said before, it was ten dollars.

PAT. MORAN.

The further taking of this deposition is adjourned, until Monday, the 29th day of January, 1877.

WARREN HIGLEY, *Notary Public.*

MONDAY, January 29, 1877.

The further taking of this deposition is resumed, pursuant to adjournment, this 29th day of January, 1877.

Patrick Moran continues his testimony, as follows:

The witness states that, upon reflection, he is not certain about having received the thirty-one dollars he has spoken of, and that he thinks it was more than thirty-one dollars.

Q. State what other officers, connected with the jail, or sheriff's officer, you have talked with about the escape of Young, either before or after his escape.

(Objected to.)

A. I talked with only one official before his escape; the one I before referred to. I now recall that I spoke to one other party, Charlie Overaker, and said I'd better go up and get the buggies up to Dustenberg's; and he told me to charge them to the jail or sheriff's office. We always get the buggies there to take the lunatics to the asylum. I asked Overaker where I should get the buggies, and said I wanted the money to pay for them. He said, go to Dustenberg's, and have them charged to the sheriff's office or jail. I said I didn't want to do that, as they'd find it out on me—that I'd get them on my

own responsibilty. After Flanagan had taken his buggy, I came down to the sheriff's office and saw Charlie Overaker, and he told me that Charlie Young had gone over home, and I said the buggy had gone down with Flanagan. I said, I'll soon find out if Charlie has gone over home. I went over to the jail, and found he was not there. Then I went up and got my buggy, and drove down to the place appointed, corner Plum and Longworth.

Q. State what, if anything, you said to William Pitt Wallace, and what he said to you, concerning the escape of Young.

(Objected to.)

A. After locking up, that following eve, I came down stairs. I told Mr. Wallace that Charlie Young was gone. He said, I know it. Mr. Wallace was then standing in the body of the jail, inside the gate. Mr. Wallace never said anything else to me about it.

[Counsel for contestee making the same protest and objection to this witness and his testimony, which he has heretofore made to R. D. Flanagan and his testimony, declines to cross-examine.]

PAT. MORAN.

Richard C. Rohner, being first duly sworn, deposeth and saith, as follows:

Q. State your name, age, residence and business.

A. Richard C. Rohner; age, thirty-nine years; residence, 570 West Ninth Street, Cincinnati, Ohio; am City Clerk of the city of Cincinnati.

Q. State whether or not you have charge of the ballot-boxes used in the city of Cincinnati, at the October election, held in this State and Hamilton County, on the 10th of October, 1876.

A. I have charge of fifty-one ballot-boxes, returned to me, or delivered to me, on the 11th and 12th days of October, 1876, that, I think, without having made any examination, are the ballot-boxes sent out by me, prior to the 10th day of October, for use at the fifty-one precincts of the city upon that election day.

Q. State whether or not you received a subpœna *duces tecum* in this case, to bring and produce the ballot-box used, and the ballots cast, at the First Precinct of the Fourth Ward, at the said election.

A. I received a subpœna *duces tecum* to produce the things stated in the question.

Q. Have you complied with, or are you willing to comply with, the order contained in said subpœna?

A. Without intending any disrespect to any of the parties, and acting under the legal advice of counsel, I decline to produce the ballot-box mentioned in the subpœna, the contents whereof I have no knowledge—that is to say, whether the box contains ballots cast, or not, at said election. If, however, the said ballots may be contained in the box, I hold them in my custody, as clerk of the city of Cincinnati, and am not bound to produce them or the box.

Q. State whether this box is the same delivered to you by the judges of election, and represented by them to contain the ballots cast at said precinct on said election day.

(The last part of question objected to.)

A. Not having the box before me, can not say.

RICHARD C. ROHNER.

[The counsel for contestee hereby wishes to state that the witness, in stating that he is acting under the advice of counsel, is not acting under the advice of contestee or his counsel; that contestee does not object to the production of the ballots cast at the October election, A.D. 1876, but, on the contrary, requests the witness to produce the ballots, if he has them in his possession, reserving, however, the right to make any objection as to legality or incompetency.]

[Counsel for contestant states that the counsel that appeared for the witness Richard Rhoner, was also counsel for William P. Wallace, a contestee in the case of Wallace *v.* Taylor, and, during the taking of testimony before the magistrates, that the counsel for the several contestees were in daily and hourly consultation.]

J. E. Wentzel, of lawful age, being by me first duly sworn, deposeth and saith as follows:

Q. State your name, age, residence, and present occupation.

A. J. E. Wentzel; age, thirty-five years; live in the Twenty-fifth Ward; my business is United States store-keeper at the present time.

Q. State whether or not you were in this city on the 10th day of October, 1876, and what, if any thing, you know about illegal voting or repeating done that day.

(Objected to.)

A. I was in the city—was one of the challenging committee of the Twenty-fifth Ward polls; I know that Joe Fuller voted there, not having any right to do so, as he had voted at College Hill on the same day.

Q. Where did said Fuller live at the time of the October election?

A. I think it was College Hill or Mt. Airy; I know that he didn't live in the Twenty-fifth Ward at that time.

Q. State any other cases of illegal voting at said election, if you know.

A. I don't know of any other.

Q. State whether one John Eger voted in the Twenty-fifth Ward, and if so, state all the facts you know concerning his voting there.

A. Well, his name is on the poll-books; I suppose he voted; I did not see him vote. At the November election I saw that his naturalization papers were dated in November, some time after the October election.

(Answer objected to.)

Q. State, if you know, what ticket these two men voted at the October election.

A. They both voted the Democratic ticket.

Cross-Examination.

Q. Do you know this man Fuller, of whom you speak?

A. Yes, sir.

Q. Do you know, of your own knowledge, where he lived, or that he does not live in the Twenty-fifth Ward?

A. At the time of the October election, to my knowledge, he did not live in the Twenty-fifth Ward.

Q. Did you see him vote at College Hill?

A. No, sir; I only heard it. I saw him vote in the Twenty-fifth Ward; I was twenty-five or thirty feet away.

Q. Is he not a Republican, and did he not vote that ticket at College Hill?

A. He is a Republican, and I learn that he voted that ticket at College Hill, but they got him full of whisky at Cumminsville (our ward) and he voted the Democratic ticket.

Q. Did you see or read the ticket he voted in your ward?

A. No, sir, I did not.

Q. How do you know he voted the Democratic ticket in your ward, then?

A. Only from heresay, and the fact that it was a Democratic worker who had him in charge—a man by the name of Groke, but I don't think Groke knew it was an illegal vote. I don't think he would do a thing of that kind knowingly.

Q. How long had John Eger you speak of lived in your ward?

A. I couldn't tell that. He had been there some time, a year or more.
Q. Had he ever voted before in your ward?
A. I think he had.
Q. How do you know Eger voted the Democratic ticket?
A. Heresay.

J. E. WENTZEL.

J. C. Jacoby, being first duly sworn, testifies as follows:
Q. State your name, age, residence, and business.
A. J. C. Jacoby, age 34, agent, lives at 210 West Fifth street, Cincinnati, Ohio.
Q. State what know, if any thing, of illegal voting at the election held in this State and county on the 10th day of October, 1876?
(Objected to.)
A. I was a Republican challenger at the first precinct, Eighteenth Ward. There was a man voted in the afternoon giving his residence at 160 West Third. I know positively that no person lives at that number on that street. It is a carpenter shop—a shanty. One of the judges and myself went to this number, and neither could find any such person there nor anywhere in the ward. I don't remember the name of the man so voting, but should know him if I should see him.
Q. State, if you know, what ticket this man voted.
A. Yes; an open Democratic ticket.
Q. State, if you know, of any thing further about the casting of illegal votes or the preventing of legal voters from casting their votes at said election?
(Objected to.)
A. There was a legal voter there—a colored man—holding a Republican ticket which I gave him, who offered his vote, was challenged, and questioned by the judges. Two of the judges claimed his vote should be received, and one refused. Whereupon a scuffle ensued between the judges, the Democratic judge, C. M. Davis, taking hold of Mr. Neave, one of the Republican judges, Mr. Rudolph, the other Republican judge, interfering, and in the meantime the colored voter was pulled away by Democratic ticket-holders, and his vote was not put in.

Cross-examination.

Q. What name did the man you first refer to give when he voted?
A. I do not know; I don't recollect.
Q. Was he challenged?
A. Yes, sir, by myself.
Q. Was he asked the usual questions?
A. He was.
Q. Did the judges then receive his vote?
A. One of them did.
Q. Did the answers he gave to such questions show that he had been a resident of the State of Ohio for one year, of Hamilton county for thirty days, and of said ward for twenty days?
A. I believe he did.
Q. Was he sworn before answering?
A. He was.
Q. When was it you and the judge went to look whether he lived at No. 160 West Third street?
A. I went the next day, and so did the judge, but not both together.

Q. Might you not possibly have been mistaken in either the street or number?

A. No, sir.

Q. Did you read his ticket?

A. I read the most of it—all the top part of it. It was a regular Democratic ticket, such as I had seen hundreds of that day.

Q. You don't mean you read it, but that you saw it.

A. I saw it, and read part of it.

Q. How did you come to read it if you had seen hundreds like it that day?

A. I couldn't very well help it; it was there before me. He came right up there before me with it in his hand.

Q. I ask how you came to *read* it, not how you came to *see* it.

A. Well, I read most any thing that comes before me.

Q. What was the dispute about among the judges about the colored man?

A. About additional evidence.

Q. About what?

A. I won't be positive. I don't know. It was about additional evidence about some thing.

J. C. JACOBY.

The further taking of these depositions is adjourned until January 30, 1877.

WARREN HIGLEY, *Notary Public.*

BEFORE THE SENATE OF OHIO.

JOSEPH COX, Contestant, v. JUDSON HARMON, Contestee.

PROTEST.

And now comes Judson Harmon, contestee, who has been served with notice that depositions would be taken at the office of Warren Higley, Esq., on the 23d day of January, A.D. 1877, and at the time and place aforesaid entering his protest against the taking of any depositions, for the reason that there is no case now pending before any authority, legally authorized by the Constitution of the State of Ohio, or by any law of the State, to try said contest, and only appears and cross-examines under protest, as above, and makes this his protest a part of the deposition in this case.

C. W. COWAN,
M. F. WILSON,
Attorneys for Contestee.

January 22, 1877.

The State of Ohio, County of Hamilton, ss.

I, Warren Higley, a Notary Public in and for the county and State above named, duly commissioned and qualified, do hereby certify that the above named Parker Dickson, L. C. Weir, Luke Brannan, Paul Wheaton, William Brockman, Isaac J. Miller, Lewis Weitzel, Elon Strong, J. R. Quinton, Henry Gerke, W. H. Furry, Alexander Long, Charles W. Overaker, Edward J. Thompson, Richard D. Flanagan, James Harkward, George Kirk, Patrick Moran, Richard C. Rohner, J. E. Wentzell, and J. C. Jacoby, by me first severally sworn to testify the truth, the whole truth, and nothing but the truth, and that the depositions by them subscribed as above set forth, were reduced to writing by me, and the attorneys, all objections thereto being mutually waived in my presence

and in the presence of the witnesses respectively, and were subscribed by the said witnesses, except Overaker, as appears of record, in my presence, and were taken at the time and place in the annexed notice specified, and were continued from day to day, as above set forth; that I am not counsel, attorney, or relative of either party, or otherwise interested in the event of this suit.

In testimony whereof, I have hereunto set my hand and official seal, this 29th day of January, A.D. 1877.

[SEAL] WARREN HIGLEY.

George W. Ryan, of lawful age, being duly sworn, testified as follows:

Q. What is your name, age, residence, and what has been your occupation for the past several years?

A. George W. Ryan; thirty-one years of age; residence, 82 Sloo street; I have been detective on the police force for the last three years.

Q. Were you in this city on the 10th of October, 1876?

A. Yes, sir.

Q. Did you take any part in the election held on that day?

A. Yes, I voted.

Q. What were you doing on that day? Where did you remain?

A. I was all over town that day in the moring.

Q. Please make a statement of any facts connected with said election, and especially regarding the casting of illegal votes, or of repeating, or of procuring persons to repeat, or any other facts connected with the fraudulent conduct in the said election.

A. I had information the day before the election that there would be an organized gang of repeaters—a gang of repeaters organized to do work on that day for the Democratic party. I knew of two different organizations that were here, from information that I had. I was employed by the Republican Executive Committee to ferret these out and try to suppress them. The morning of the election myself, John Ryan, and William Carey were out at the door of No. 65 Fifth street. There was a room in that building occupied by James White as a detective agency; there were thirty-five or forty men in that room all night; were hired for that purpose; I knew this, and went there to try to suppress it. I went first, at six o'clock in the morning, to the Republican headquarters, to R. H. Stephenson, and wanted him to give me some men for to assist me. My agreement was to make no arrests, simply to point these people out, and they was to follow and arrest them themselves. I went three or four times that morning, but could get nobody but two men, James Quintin and Wash. Bennett. Quintin followed these men out of 65 Fifth street; followed six or seven different gangs. I left Fifth street about twelve o'clock.

Q. How many men did you say were in White's rooms?

A. I was not in the room. Carey was in the room and came out at six o'clock in the morning. He says to me, "That looks like a beehive up there; there's very near fifty men in those rooms."

Q. State whether or not you know of White taking any men to the polls himself.

A. Well, I seen White leave with three or four men, but what he done with them I don't know.

Q. Did you have any conversation with White previous to the election as to what he was doing or going to do in connection with the election?

A. White said he was going to make some money out of it. He was trying to get up a party for the purpose of repeating.

Q. State fully all that White said to you and you to White in regard to the matter of repeating.

A. Well, it has been so long that I can not remember the exact conversation. The substance of the conversation was that White was to be the boss of a gang of repeaters that were to be raised for to vote the Democratic ticket. I was in White's room that day and saw the desk filled with Democratic tickets. It was arranged so that the First District tickets laid on top, and down below the Second Dictrict, and marked at every district. I saw, also, in White's room, the names of these men lying there on the table, separate, that he had taken down.

Q. Were any of the names on the tickets in White's room scratched?

A. No, sir; straight Democratic tickets.

Q. Please examine the ticket now handed to you and say whether or not that is a fac simile of the ticket used by White or in White's office on election day.

A. That is a fac simile of the ticket exactly.

Q. For which District?

A. The First District.

Q. And the other tickets?

A. Were the same as this, with the exception of Banning's name in the place of Sayler's, in the Second District.

Q. What statements have you heard White make since the election as to the number of votes cast by the persons who had been going from his office?

A. I have heard him say that there was three or four hundred votes cast.

Q. How many votes did White say he could prove that he had the names of the persons voting?

A. I heard him say, in this office, in your presence, that he could prove there were three hundred and eignteen illegal votes cast before 10 o'clock in the morning; that he had the names of the parties on a paper—their names and some of the names under which they voted. He said that for a certain amount of money he could give the names they voted under.

Q. How did he say he got the names?

A. He sent people along with these men to get the names, so as to protect himself, and said that he was no sucker.

Q. For how much money did he offer to furnish that evidence?

A. I won't be sure, but I think one thousand dollars. You can tell better yourself what the amount was.

Q. Did you hear White have any other conversations than those you have already detailed? If so, who were they with?

A. He had a conversation with Lew Weir. I saw him talking with Lew Weir. He has talked with him on several occasions about it.

Q. State whether or not he talked with you about negotiating for a sale of this evidence.

A. Yes; he said he could upset the whole election, and would do it if he got paid for it.

Q. State whether or not you are acquainted with one Ed. Burns.

A. Yes, sir.

Q. Where is he from?

A. From Chicago.

Q. What is he?

A. A confidence man and a thief.

Q. State whether or not he was here on election day; if so, state fully whatever you may know about him.

A. Yes, sir. I saw him the day before the election. I saw him here previously at the prize fight. I saw him on the day before the election. He said he was here with a party from Indianapolis.

Q. State whether or not you are in confidential relations with Burns.

A. Yes, sir; known him now about five years.

Q. State fully any conversation you had with him; state what, if any thing, you saw him do on election day, and what statements he made to you after the election was over, if any.

A. I saw him the day before the election. He said he was here with a party; that he had not received any money as yet, and if he didn't get the money the morning of the election he was not going to do any thing. I met him at Seventh and Main, in a bar-room. There is a bar-room at the south-west corner, and there were about twenty or thirty men in there. He says, "These are all my fellows." I took a drink with about ten or twelve. He said he was here; that this party was sent for, and he had brought these people here for to do some repeating. The next day I saw him about one o'clock on the election day, with seven or eight men, on Central avenue and George. In the conversation I asked him what he was doing. He says, "Well, I am hard at work, and doing pretty well." The reason I went with this man was, I had received at that time no money from the Republican committee, and I knew that I had to make some kind of a showing or I would receive no pay. I went with this man—he had six or seven men with him—to the Nineteenth ward, both precincts, to the Twentieth ward, both precincts, to the Fifteenth Ward, one precinct—at the engine-house on Cutter street—to the Eighth ward, one precinct, and the engine-house here at Sixth and Vine—the Ninth ward. I saw these men vote, and saw Burns vote. In the Twentieth ward three of them were challenged, and swore their votes in. In the Nineteenth ward one of them was challenged. In the Fifteenth ward one or two of them were challenged.

Q. Did you see him after the polls closed, or after he had ceased working on that day?

A. I left him about six o'clock. I saw him afterwards—him and another party—at the I. & C. depot.

Q. What statement did he make, if any, concerning the work done—work at the election—and the money he received?

A. He says, "I never was so tired in my life. I have been all over this town." I asked him how much he had got. He says, "I have done pretty well, for I have got seven hundred dollars in my kick."

Q. What ticket did Burns have? And did those men vote that were with him?

A. They voted the Democratic ticket.

Q. State whether or not you are acquainted with Hall, who testified as a witness in the contested election case between Taylor and Wallace.

A. Yes, sir.

Q. Did you see him on election day?

A. I saw him on Central avenue with three or four men, about half-past one on election day.

Q. Did you have any conversation with him?

A. No, sir.

Q. Did you have any conversation with Hall subsequent to the election, and previous to his testifying? and if so, to whom did you tell it? and what was it about?

A. I knew Hall was one of the parties that steered these men. I have had a conver-versation with him two or three tiwes since the election about it.

Q. State whether or not you are acquainted with John Conway.

A. Yes, sir.

Q. Who was he? What did he do for a living? Where does he live?

A. In the first place, he is a three-card monte man; his place of residence, I think, is York. I know he has not a residence here. He is a gambler.

Q. State whether or not you know of his taking any part in the election held in this city on the 10th of October?

A. I knew that he had a gang with him.

Q. Do you know how many?

A. I saw bim with four myself in the Nineteenth Ward—four or five.

Q. What did you see him doing in the Nineteenth Ward?

A. Saw him voting.

Q. Are there any circumstances connected with that?

A. Yes, sir; I was standing there talking to Luke Brannan, one of the Republican challenging committee, and Conway come up with three or four more behind him. Conway's vote was challenged. I think Brannan challenged it, and after he swore his vote in stepped off the gangway. I was standing at the middle. He says to me, "That is a hell ot an idea, challenging me. You know I am resident here; you know I live right on the street."

Q. State whether or not any attempt was made to arrest him.

A. Brannan insisted on Conway being arrested, and during the conversation between Brannan and the officer to arrest him, Conway lit out.

Q. Did you have any furthar conversation with White?

A. I met White on Fifth and Mill about six minutes afterward.

Q. What did he say then?

A. He asked me if I knew any of those people who were with him. "I should like to know whether they got in their work or not." "Jack," I says, "You liked to got it." "Yes," he says, "I have escaped two or three times that way. I had to run for it in the Eighth Ward."

Q. Did he make any statement about voting himself other places than the Tenth Ward?

A. He said, "I have put in twenty-two to-day."

Q. How many parties did you see vote in the Nineteenth Ward?

A. I saw one more, but I was interested in Conway, to see whether they were going to collar him or not.

Q. Was any person that voted with Conway a legal voter in the Nineteenth Ward?

A. No, sir.

Q. Was Conway a voter in any way.

A. No, sir.

Q. What ticket did he vote?

A. The Democratic ticket.

Q. Where did you see Conway previous to meeting him at the Nineteenth Ward? What building or office?

A. I saw Conway about six o'clock in the morning of the election on the corner of Fifth and Vine. Saw him start down Vine street with four or five men. Big English Bill was one of them; Little Curtis another; Paul Wheaton another, and two or three en that I did not know.

Q. Are you sure of the number with him?

A. He had four or five men with him.

Q. Where did you see him go?

A. I didn't see him come out of No. 65 Fifth street, but I know that he did come out o there.

Q. Did you see him at White's office at any time previous to the election?

A. Yes, I saw him the day before in White's office.

Q. Did White make any statement concerning Conway after the election?

A. No, not that I heard.

Q. Who was it that refused to arrest Conway in the Ninteenth Ward?

A. Officer Duffy. I think the language he used to Brannan was, "You are an officer yourself; if you want him arrested, arrest him."

Q. Is Brannan an officer?

A. He was at that ttime—station house-keeper.

Q. Who else was here from Chicago with you, besides Ed. Burns?

A. A man by the name of Jim Day.

Q. What is Day?

A. He is a professional thief.

Q. What did Day say and do?

A. Day was along with Burns; and in the Twentieth Ward Day was challenged, and, after swearing his vote in, refused to go any further. Burns took him there into a drug store, and conversed with him; gave him some money, and he went along with him afterwards.

Q. How much money did he give him?

A. As to that I can not say. He gave him two or three bills.

Q. Did Jim make any statement to you about the matter?

A. I says, "Jim, what do you get for all this?" He says, "I am to get twenty-five dollars and my expenses."

Q. State whether or not you are acquainted with one Jerry Mahoney.

A. Yes, sir.

Q. What do you know of Jerry—on that day?

A. I saw Jerry but once. I saw him leave Fifth and Vine in the morning with the crowd; he had six or seven with him.

Q. What did you hear him say, or what was said to him in your hearing? Where did you see him start from?

A. From the corner of Fifth and Vine.

Q. Do you know whether or not he was in White's office?

A. I saw him there the day before.

Q. What was said to him in your hearing, and what did he say?

A. He saw me and Carey standing there, and says to Carey, "Have you been up all night?" Carey says, "I have not been up all night, but I am ready for you; I will put a stop to your proceedings to-day." Mahoney turned down Vine street with these men. That was between half past five and six o'clock.

Q. Where had you and Carey been that you happened to be there?

A. I had been out to Colonel Weitzel's house. I understood from Eph. Morgan that Colonel Weitzel had money that was to pay us for our work the next day. We started here at four o'clock, and were out at Weitzel's house at just exactly five o'clock, to ascertain if he had this money or not. He told me he didn't have it, but Stephenson did. We drove right from Weitzel's house to No. 65 Fifth street.

Q. Was Colonel Weitzel requested to come into the city at that time?

A. Carey asked Weitzel to get into the barouche, and come and go with us, and ake a step off in this business, without any trouble, right now.

Q. What did he offer to do?

A. Weitzel said that he would be in there at seven o'clock, and for us to go and see Stephenson.

Q. Did Carey offer to take Weitzel to any particular office?

A. To White's rooms, to show him where there was thirty-five or forty men.

Q. Do you know a man by the name of Brockman?

A. Yes, sir.

Q. State what, if anything, you know about him in connection with the election.

A. I saw him leave 65 Fifth Street, three or four times, with three or four different gangs of men.

Q. How many in a gang?

A. Sometimes as high as seven; once with only two.

Q. Where did he go after leaving 65 Fifth Street?

A. Went in the direction of the Ninth Ward polls, and James Quinton followed him.

Q. Do you know anything about votes being cast by Brockman or his party?

A. Not directly, myself, I don't, because I didn't follow him.

Q. What have you heard about it?

A. I know that Quinton came back and said that party voted in the Ninth Ward. I asked him why he didn't have them arrested.

Q. State whether or not you are acquainted with one James Thompson.

A. Yes, sir.

Q. State what you know about him in connection with the election.

A. Saw him, also, leave 65 Fifth Street, with six men.

Q. What kind of a man is Thompson?

A. A one-armed man.

Q. State whether or not you are acquainted with one Frank Morgan.

A. Yes, sir.

Q. What, if anything, do you know about his connection with the election?

A. I saw him leave 65 Fifth street, with six men; Quintin followed him to the Eighth Ward. When he came back, he says, "I am about tired; I cannot get anybody to do anything; I tried to get one of that party arrested down there, and no one would do it for me."

Q. State whether or not you are acquainted with one Pendegrass, alias Harding?

A. Yes, sir.

Q. He is now in confinement in one of the prisons in this city?

A. Yes, sir.

Q. State what, if any, connection he had with the October election.

A. He was here also with this man Burns.

Q. You are acquainted with Paul Wheaton?

A. Yes, sir.

Q. What connection, if any, did he have with the election?

A. I saw him with Jack Conway in the Nineteenth Ward.

Q. State whether or not you are acquainted with a person named Charles Young, alias Frank Kelly?

A. Yes, sir.

Q. State what connection, if any, he had with the election.

A. I saw him with White; didn't see him vote, though, at all.

Q. You have spoken of Big English Bill; who is Big English Bill? Where did he live when in the city?

A. I don't think he lived any place; he used to loaf around the Empire all the time; a professional dead beat is Big English Bill.

Q. Who paid Burns his money?

A. I don't know.

Q. Were there any parties here from Indianapolis that took part in the election?

A. Burns's party were from Indianapolis.

Q. Do you know of anybody else from Indianapolis operating?

A. I know there was a party here from Indianapolis.

Q. Did all of these parties with Burns vote at the several precincts you have spoken of?

A. Yes, sir.

Q. How many was with him?

A. Six or seven. In the Fifteenth Ward one of them was challenged.; after he come down off the stand (they were about half drunk), one of them went back, knocked the man down that challenged him; it was a Jew peddler that challenged him.

Q. State whether or not they were at the Eighteenth Ward?

A. I met them in the Eighteenth Ward, but whether they voted there or not I did not know. Burns says: "There is no use going up there for we have been there." I met them on the corner of Central Avenue and George.

Q. Would you please be as accurate as you can as to the number—was it seven and Burns or six and Burns?

A. I think Burns made the seventh man.

Q. Did Burns vote at every precinct?

A. Yes, sir; he headed the gang.

Q. You have spoken of a Curtis as being connected with White's office—state whether or not you saw him vote?

A. Curtis voted in the Ninth Ward.

Q. Where does he live?

A. I don't know, but I tdink he lives in the Tenth Ward.

Q. Where else did he tell you he had voted?

A. He said he had only voted once.

Q. How many distinct gangs of repeaters were there in operation in the city on that day, that you know of?

A. Three that I know of.

Q. Just name the three you know of.

A. The Indianapolis party, Burns' party, and this party here at 65 Fifth street.

Q. You speak of a gang that was in White's office—do you mean that they all went in one party?

A. No, sir; they were headed by Brockman, Conway, Morgan, Thompson, and Brannan, and another party in the Eighth Ward—I know him, but don't know his name.

Q. State whether or not you are acquainted with one Gleason, of New York, alias "Mike, the Bite"?

A. Yes, sir.

Q. Did you see him in the city?

A. Yes, sir; he was with Conway. He had been in the city two or three months previous to the election.

Q. Where is James White now?

A. He is in the county jail.

Q. On what charge was he held?

A. Convicted in the United States Court before the jury for procuring illegal votes.

Q. Where is Paul Whitton now?

A. I don't know; he was a prisoner the last time I saw him.

Q. On what charge?

A. Illegal voting.

Q. State whether or not you are acquainted with one Mike Ryan, alias "Three Fingered Jack"?

A. Yes, sir.

Q. Did you see him on election day?

A. Yes, sir; he was with White. He voted at the Nineteenth Ward. He was the man that voted behind Conway.

Q. State whether or not he was indicted.

A. I don't know.

Q. Do you know whether or not "Three Fngered Jack" is now under arrest in New York?

A. I don't know.

Q. Where is Jack Conway now?

A. I don't know.

Q. State whether or not he was indicted.

A. Yes, sir.

Q. For what?

A. Illegal voting.

Q. Are you acquainted with one Ephraim Holland?

A. Yes, sir.

Q. State what connection he had, if any, with the election.

A. I don't know nothing about him; I saw him in White's office the day before.

Q. Do you know of his paying any money?

A. No, sir.

Q. What is Brockman's business, and where did he hold forth previous to the election?

A. At the Sun Saloon.

Q. What is that saloon?

A. A saloon and a keeno room.

Q. State whether or not White was connected with that establisnment?

A. At one time White owned the saloon.

Q. Did you have any conversation with White as to why he had these men in his place?

A. I knew why he had them there from my conversation I had with him.

Q. In the presence of the men?

A. The men were all there when we were talking.

Q. Do you know who paid Conway money?

A. I do not.

Q. Who led this Indianapolis gang?

A. I don't know

Q. Do you know, aside from any thing Burns said, that was an Indianapolis gang?

A. Yes. I saw them in the Twentieth ward. Burns says, "There is that other party."

Q. Do you know who paid that party?

A. I do not.

Q. State whether or not you know of White providing meals for any of the men he had so employed.

A. I only know what White told me—that he had paid for these meals at Wassenich's saloon; said he had paid for about thirty-five meals. I saw some of them go in there to eat.

Q. State whether or not you saw the paper upon which White had the names of the parties who have voted, written down there.

A. Yes, sir.

Q. What, if any thing, was said by Brockman relative to the arrest after the election?

A. A couple of days afterwards me and Carey were on Fifth street, and we saw Mahoney standing on the corner. It was all in jest that Carey called Brockman and told him to go and tell Mahoney that Chumly was on the corner, and had a warrant for him. Brockman and Mahoney says: "I am going to leave town to-night."

Q. State whether or not you are acquainted with one John White, that belongs to New York?

A. Yes, sir.

Q. What, if any thing, do you know about his connection with the October election?

A. I know that he was one of the party that was in White's office, and I know that he has been arrested and indicted since for illegal voting. I saw him with Charley Young on the morning of the election. I know of several occasions afterwards, two different occasions, of him coming to White's office to get money to leave town on.

Q. So no other ticket than the whole Democratic ticket was used by any of the persons who were repeating on that day?

A. No, sir. The repeaters I saw used the straight Democratic ticket, only in the second district the name of Banning was inserted instead of Sayler's.

Q. Will you now mark the ticket which you say is a fac simile of the one used, with the letter A, and attach it to and make it a part of your deposition?

A. I will.

Cross-examination by Harvey Randall, Esq.

(The counsel for contestee objected to all the questions in the direct examination, asking information of witness not within his own knowledge, or of conversations with different parties of matters not occurring within his own knowledge; said objections being reserved to the conclusion of the deposition by agreement of counsel, and are to apply to all questions and answers preceding.

Q. What are you doing now?

A. Nothing.

Q. Have you had any employment since the October election?

A. Yes, sir.

Q. What?

A. Been employed in a gambling-house.

Q. What doing?

A. As door-keeper.

Q. Who employed you to hunt up repeaters?

A. Michael Grotty and William Hutton.

Q. Who are they?

A. Grotty is one of the campaign committee, and Hutton was an executive committeeman from the Twenty-first ward.

Q. What did they agree to pay you?

A. Two hundred and fifty dollars.

Q. What were you to do?

A. I was to point these people out to men that they were to furnish, and they were to have them arrested.

Q. How did you know any thing about these people?

A. From information I had from White and three or four parties.

Q. When did you first get information about them?

A. Two days before the election.

Q. From whom?

A. From White.

Q. What did he say to you?

A. He told me there was a party negotiating with him for to furnish men for that purpose.

Q. Did he give you the names of any parties?

A. He did not.

Q. When did you first visit White's rooms?

A. White's rooms had just been opened about three days before the election. I first visited them when they were opened.

Q. Who did you see there then?

A. Well, White and Dan Duffy and Billy Kerry. Two or three others that I don't remember. There were four or five men in the room.

Q. What was their business?

A. White had opened a detective agency.

Q. Who was Kerry?

A. He at that time was nothing. After the election he went in with White.

Q. What was his business?

A. Express driver.

Q. What is Duffy's business?

A. Saloon-keeper.

Q. Has not Kerry been a detective?

A. No, sir; that is Joseph Kerry. This is William Kerry.

Q. When did you next visit White's rooms?

A. Right straight along.

Q. How frequently every day?

A. Four or five times.

Q. When did you first see those thirty or forty men in there?

A. I saw them the afternoon before the election. I knew from the conversation I had with White what they were there for.

Q. How many of these gangs did you follow?

A. None.

Q. Is it a fact that you saw any voting except with the gang that Young was with?

A. Yes, sir.

Q. Where was it done?

A. I saw it done in the Eighth ward, in the Nineteenth ward, in the Fifteenth ward, in the Twentieth ward, in both precincts. This was in the afternoon. The party that was here in front of White's house disbanded. Quinton refused to go any further; says, "I can't get nobody to assist me; I won't have any thing more to do with it."

Q. What party was this that you say voted at these different precincts?

A. This man Burns'. I think now he is under arrest in Chicago. Seven with him—himself made seven.

Q. How many times did you see him vote?

A. In every one of the wards that I have named.

Q. How many times did you see those with him vote?

A. All voted—every one of them.

Q. Did you go with them from one poll to another as they voted?

A. Yes, sir. And also in some of these wards where they voted I told Brannan who they were. I notified Luke Brannan twice. I notified them to look out for this party. I did this so that I could secure this money I was employed for. They paid me a hundred dollars, and still owe me one hundred and fifty.

Q. Was White with the Ryan party?

A. No, sir.

Q. What time of the day was it?

A. About nine o'clock—between nine and ten o'clock. How I came to be in the Nineteenth ward, I told Quinton, I am tired of standing around here; I will go down and see. I had this barouche, and I drove to the Twenty-first ward and saw Hutton. Says I will meet you this afternoon. He told me we should go to Wash. Bennett. I drove from the 21st ward to the 19th ward about nine o'clock in the morning.

Q. Did you get your money?

A. I got it the next day. It was raised by subscription. All put their names down, but four responded. I took this man along on account of his being a brother-in-law of Hutton's.

Q. How many illegal votes do you know, of your own knowledge, were polled on that day?

A. Fifty-one votes.

Q. You know that many of your own knowledge?

A. Yes, sir.

Q. Does that number include the two Whites, Hall's party and Burns' party?

A. It does not include Conway and another party that voted with him in the Nineteenth ward.

Q. Does it include Hall?

A. No, sir.

Q. You say you informed Mr. Louis Weitzel of this contemplated repeating?

A. Yes, sir.

Q. Did you not inform Mr. Amor Smith?

A. Yes, sir.

Q. Mr. R. H. Stephens?

A. Yes, sir, on the morning of the election. I informed Phillip Deitch, Captain Higden, and Mike Grotty again on the corner of Fifth and Walnut.

Q. Did they refuse to take any action in it?

A. No; they said they would go and get people, and I told them where to send them to. Nobody ever came.

Q. Did you have any conversation with Louis Weir?

A. I never had any conversation with Louis Weir.

Q. How many times did you vote?

A. Once.

Q. Where?

A. The Twenty-first ward; the straight Democratic ticket. I put on the ticket Judge Cox, scratched somewhere; I don't remember now.

Q. Do you know of any illegal Republican voting at the October election?

A. I do not.

Q. Is it not a fact that your testimony, as given in the direct examination, is based more upon supposition and suspicion than actual knowledge of the facts other than what you saw and was connected with.

A. The suspicion was created by the conversation I had had with this man White. I knew that they were there for that purpose, for the reason that he wanted me to go in with him. I would have nothing to do with him. I saw the men there, and knew what they were there for.

Signed. GEO. W. RYAN.

Ephraim Holland, being duly sworn, testified as follows:

Question by T. C. Campbell, counsel for contestant. State your name, age, residence, and how long you have lived in this city.

A. My name is Ephraim Holland; going on forty-two years of age; 109 Fifth street; I have lived here over forty-one years.

Q. State whether or not you were in this city on the 10th of October, 1876, the day of the State and county election.

A. I was, sir.

Q. Had you been absent from the city previous to the election?

A. Yes, sir.

Q. Where and how long?

A. I left here along about the 13th of September, I believe it was, and arrived here somewhere about the first of October. I am not positive of the date of arriving here, but it was not further back than that.

Q. Did you return, then, of your own notion, or were you requested?

A. I was requested to return; I received as many as a dozen telegraph dispatches.

Q. Do you remember from whom you received the dispatches?

A. Well, part of them from my brother, at the solicitation of other parties to send them, and a portion from other parties; I don't care to tell their names.

Q. Upon your return to this city, state whether or not you took an active part in relation to the election that was held on the 10th day of October.

A. I did, sir. I also received a letter in New York city from eminent parties here, stating that there was a gentleman representing the interests of Mr. Tilden here that wished to see me very much.

Q. Have you that letter in your possession now? if so, would you please mark it and attach it as part of your deposition?

A. I have not. I destroyed it at Fort Hamilton. I received it at Fort Hamilton.

Q. At whose request did you take an active part in the said election?

A. At the solicitation of most of the candidates—in fact, nearly all of the prominent politicians of the Democratic party.

Q. What candidates on the Democratic ticket spoke to you about taking part in the election?

A. Well, I had a talk to Wallace, Banning, and Sayler—in fact, most of them.

Q. Where did you meet Wallace?

A. Well, I met Wallace on Vine street several times, at the Grand Hotel, and I met him on one or two occasions at the Burnet House.

Q. Where did you meet Banning?

A. Saw him at the Grand Hotel and at the Burnet House.

Q. What conversation did you have with Banning?

A. The conversation I cannot recollect it—in regard to the election—to assist in it; knew I was a pretty active worker and could have some work done for the party—conversation to that effect.

Q. Did you have any private conversation with Banning; if so, where?

A. I had a private conversation with him in one of the rooms at the Grand Hotel. It was only for a few moments though; we was interrupted in the conversation.

Q. What was the tenor of that conversation—what did he want you to do, and what was he going to do for you?

A. He wished me to turn my attention as much as possible to the distirct he lived in, for Congress. That I would be looked after. Also asked me if I had acquaintance with a certain gentleman that was stopping at the Grand Hotel there; if not, I should be made acquainted.

Q. Where was the gentleman from to whom he referred?

A. New York. I told him I was acquainted with the gentlemen; had been made acquainted with him on Vine street; I didn't state by whom or whereabouts on Vine street; he afterwards saw me in conversatinn with him frequently in the rotunda of the hotel.

Q. Who was the gentleman?

A. I decline telling at present.

Q. Please state the conversation you had with the gentleman with regard to Banning.

A. Well, he was very anxious about Banning's success. Got me to go and see several parties and try to buy them. All the workers that I possibly could that was favorable to Mr. Matthews, and have as much work done in that district as I possibly could.

Q. What was meant by "work"?

A. Well, I inferred from that—meant to get as many votes as we possibly could. Didn't make any difference how it was we got them.

Q. State are you a resident of the district that Mr. Banning represents.

A. No, sir; I am not.

Q. Did this gentleman know that you were not a resident of that district?

A. The gentleman from New York?

Q. Yes. And Mr. Banning?

A. Mr. Banning—I think not. He said in his conversation he regretted I did not live in his district.

Q. What money did Mr. Banning furnish you to do this work in his district?

A. Mr. Banning didn't furnish money directly. He furnished money to the fund, I drew from. I was made to understand so.

Q. What promise did Mr. Banning make in case you aided him materially?

A. He promised me that I should be well looked after.

Q. Did he name any definite sum?

A. No, sir.

Q. Did you have any conversation with Banning since the election?

A. I met Mr. Banning once. I met him on Fourth street, I think, between Plum and Central avenue—down there, near that way somewhere.

Q. Any conversation then concerning the work to be done?

A. Well, he was with a gentleman, and he passed by me, and he must have got twenty feet by me, and turned round and halloaed at me. I stopped, went back and shook hands with him. Said he was sorry to hear I had been indicted, that if there was any thing he could do for me he was willing to do it. He showed a disposition to be very

kind about my trouble. There was two parties with me at the time. I remarked to them when I went back that he was the only Democratic politician in Hamilton county that had showed a disposition to act like a man to me in this affair, and also my opinion of a lot of politicians in Hamilton county was a lot of bloody frauds. That was what I said after I left Mr. Banning.

Q. Did he then, or since, make any move to make good the promise?

A. Have never seen Mr. Banning from that day to this.

Q. Has he sent any word?

A. No; none that I have ever received. I have never been in a position so I could see any body.

Q. Did this man whom you speak of from New York take any interest in Mr. Banning's success than the rest of the Democratic ticket here?

A. He was interested in the well-being of both Congressmen, but more in doubt as to Banning's election. Very anxious on account of it; he thought it would be a very close fight.

Q. What money did he pay you?

A. He paid no money directly, to me—paid it to other parties for me.

Q. How much did you get through him then?

A. About a thousand dollars. I told this party any part I took in politics was a money consideration with me, and I expected to be well paid. I was not paid a cent after the election was over. Played me as a sucker the same as they did the balance.

Q. From whom else did you receive money besides the amount paid you on account of the New York party?

A. Well, I took money out of my business there too. I took it with the understanding that any money I raised was to be paid back to me. I took a thousand dollars.

Q. What was the tenor of the conversation with Mr. Wallace?

A. Well, in regard to his election; do all I could for him; one thing and another.

Q. What was he to do for you?

A. He didn't directly promise me himself. He let me select the position of one of the deputy sheriffs.

Q. For what place?

A. That he didn't name.

Q. Please state whether or not you were to have the naming of the place which the deputy you had selected was to fill?

A. I was.

Q. What money did Mr. Wallace pay you?

A. I never received money directly from Mr. Wallace, he left it with other parties. The last I received I told the party to give it to a man by the name of Arthur Duffy. It was a hundred dollars.

Q. Was that a business man?

A. Yes, sir.

Q. In legitimate manufacturing business?

A. Yes, sir.

Q. Who is he?

A. I decline to state at present who he is.

Q. Did Duffy give you the money?

A. He came and told me that he had received the money. I told him to keep it until after the election; we would have a settlement.

Q. State whether or not you know S. W. Hoffman, City Auditor of this city?

A. Yes, sir; I know him very well.

Q. What conversation, if any, did you have with Mr. Hoffman?

A. Well, nothing only in regard to the election around. I told him one day around there before the election, of two men I wanted him to look after. Told him it would be policy to give them money.

Q. Who were the men?

A. One was White, and the other I don't know his name—an ex-policeman. He said he would attend to him. I left him.

Q. Do you know whether or not White was paid the money?

A. I saw him afterward. He said he received it.

Q. Were you an Executive Committeeman?

A. Was not at the time of the election.

Q. What money did Mr. Hoffman receive?

A. Well, I didn't see him receive any money directly, but I was given to understand that he received as much money as I did.

Q. What amount?

A. I heard he got ten or twelve hundred dollars.

Q. Then he didn't receive as much as you did, did he?

A. Well, he didn't receive quite as much as I did. He received as much as I did at the present time, when I got a thousand dollars paid to me.

Q. By the New York party?

A. Yes. I didn't see him give it to him.

Q. State whether or not you are acquainted with I. J. Miller?

A. I am; yes, sir.

Q. Who is Mr. Miller?

A. He is Chairman of the committee that conducted the election, I believe.

Q. On which side?

A. The Democratic side.

Q. Did you have any conversation with Mr. Miller about the election? If so, did you receive any money from him?

A. I had a conversation with Mr. Miller about the election, but nothing that had a tendency to be wrong in any way whatever. Miller is a square, honorable man.

Q. What moneys did he pay to you?

A. He paid me some—that is, he paid a lot of the other men their money. The last money I received was two hundred dollars.

Q. State whether or not you are acquainted with one Thomas G. Quinn?

A. I am; yes, sir.

Q. What was the tenor of the conversation with Mr. Wallace?

A. Well, in regard to his election, do all I could for him—one thing and another.

Q. What was he to do for you?

A. He didn't directly promise me himself; he let me select a position, one a deputy sheriff.

Q. For what place?

A. That he did n't name.

Q. Please to state whether or not you were to have the naming of the place which the deputy you had selected was to fill.

A. I was.

Q. What money did Mr. Wallace pay you?

A. I never received money directly from Mr. Wallace; he left it with other parties.

The last I received I told a party to give it to a man by the name of Arthur Duffy; it was a hundred dollars.

Q. Was that a business man?

A. Yes, sir.

Q. In legitimate manufacturing business?

A. Yes, sir.

Q. Who is he?

A. I decline to state at present who he is.

Q. Did Duffy give you the money?

A. He came and told me that he had received the money. I told him to keep it until after the election, when we would have a settlement.

Q. State whether or not you know of S. W. Hoffman, city auditor of this city

A. Yes, sir, I know him very well.

Q. What conversation, if any, did you have with Mr. Hoffman?

A. Well, nothing, only in regard to the election. I told him one day around there, before the election, of two men I wanted him to look after for me; it would be policy to give them money.

Q. Who were the men?

A. One was White, and the other I don't know his name—an ex-policeman. He said he would attend to the matter. I left him.

Q. Did he take an interest in local politics? and, if so, which side?

A. He messes about a little on the Democratic side.

Q. Did you have any conversation with Quinn?

A. To exchange opinions; that is all.

Q. Did you receive any money from him?

A. No, sir, I did not accept any money from him; he is a man I had no confidence in.

Q. Did you receive money from any other source than those you have named, in addition to the thousand taken out of your business, the thousand given you by the New York party, and the two hundred given by Miller—making about $2,400?

A. I did. I had thirty-six hundred dollars sent here from New York.

Q. Now, what was the service that you was to render to Mr. Wallace and Mr. Banning and the Democratic party in return for this money? What was the kind of service?

A. Well, I had to look to their interest. I was notified at headquarters down there that the Republican party were going to station marshalls at all the polls, also picked the best and trustiest Republican policemen they had; and I was to offset. I was given to understand they were going to pull the people away from the polls; and, if so, I was to offset all that—in fact, resist it.

Q. In what way to offset it?

A. Make an arrest if we didn't think it was right—not allow them to take any away from the polls.

Q. Who was to do it for you?

A. Had men stationed there, willing to fight for these men's rights.

Q. Where did you get the men?

A. From New York and Chicago.

Q. How many from New York?

A. I think there was eighteen.

Q. Who had charge of the party?

A. A man named Gleason—Mike Gleason.

Q. Was he here on electon day?

A. Yes, sir.

Q. Where else were you to get men from beside? New York?

A. Men from Chicago.

Q. Who did you have from Chicago?

A. A man by the name of Burns came here. I don't know the exact amount—between seven and twelve men.

Q. Were men here from any other city beside New York and Chicago?

A. Yes, sir; Pittsburgh.

Q. How many from Pittsburgh?

A. A man named George Fairchilds came here with eight men from Pittsburgh.

Q. Did you have men from any other place besides?

A. Well, none directly under my charge. There were parties here from Kentucky around that I gave money to others to give them.

Q. Whereabout from Kentucky?

A. Along about Maysville.

Q. Who were the parties from Maysville?

A. I don't know.

Q. State whether or not you are acquainted with one Duke Fleming?

A. I know him just to speak to.

Q. Was he on here election day?

A. Yes, sir.

Q. What part did he take?

A. I don't know.

Q. Are you acquanted with one Duke Hill?

A. I have seen him.

Q. Where is he from?

A. From Maysville.

Q. Did he take any part in the election?

A. Not that I know of.

Q. Do you know whether or not they were both indicted in the United States court for illegal voting and procuring illegal votes?

A. I believe he was indicted—I know he was in jail for it.

Q. Did any other cities furnish men?

A. Parties here from Baltimore, but was not under my control.

Q. Who had charge of the parties from Baltimore?

A. I don't know the gentleman's name. I was introduced to him at the Grand hotel, and drank with him several times. He is a man about the size of Mr. Wilson.

Q. You were introduced to him?

A. Yes, sir.

Q. Who by?

A. I decline to answer.

Q. What was said when you were introduced?

A. Well, I said that him and me would make a good team together.

Q. State whether or not it was a politician that introduced you to this man?

A. Yes, sir.

Q. State whether or not he was an ex-office holder?

A. Yes, sir. He said there was a good deal of money bet on the election; he told me so himself.

Q. Was he a Democratic politician?

A. Oh, yes.

Q. How many men did this party from Baltimore have?

A. I didn't hear him say how many men he had. I seen most he had with him. They were Germans. They voted in the German ward.

Q. State whether or not Indianapolir furnished a quota?

A. Yes, sir. There was a gang here.

Q. How many?

A. I don't know the amount of men here under the control of the executive up there. I had nothing to do with them.

Q. Do you know who paid them?

A. I don't.

Q. State whether or not you are acquainted with one John Conway?

A. Yes.

Q. State whether or not Conway was here on the day of the election?

A. I think he was; yes, sir.

Q. Where did he belong? Where is his home when at home?

A. Mr. Conway lived in Cincinnati for the last four or five years.

Q. Where is his residence?

A. Well, he claims his home in New York. There is where he was born.

Q. What connection did Mr. Conway have with the election?

A. I decline to say anything about Mr. Conway at present.

Q. Mr. Conway and yourself were personal friends?

A. Yes, sir.

Q. Do you know whether or not Conway is under indictment in the United States Court for procuring illegal votes and voting illegally himself?

A. Yes, sir, I heard he was indicted.

Q. State whether or not you are acquainted with one Michael Ryan, *alias* Three-fingered Jack, and was he here on the day of the election?

A. I believe he was; yes, sir.

Q. Do you know what part he took in the election?

A. Well, I understand he made himself generally useful around.

Q. Do you know whether or not he is now under indictment in the United States Court?

A. I heard he was.

Q. Are you acquainted with one James White, an ex-detective in this city?

A. Yes, sir.

Q. What part, if any, did he take in the election?

A. Employed here to hire some men for me—as many as he could.

Q. Where did he make his headquarters?

A. No. 65 Fifth street.

Q. How many men did Mr. White employ under your directions?

A. Well, I disremember the amount. There was between thirty and thirty-five; not less than thirty.

Q. What money did you pay Mr. White?

A. Something over one hundred dollars; I don't know exactly.

Q. Where did Mr. White have his thirty or thirty-five men?

A. In his office.

Q. Did you pay the men that Mr. White employed?

A. I did; yes, sir.

Q. When and how many of them did you pay, and how much?

A. I don't know how many; I think it was thirty or thirty-two; I gave five dollars apiece.

Q. When did you pay them five dollars apiece?

A. The night before the election.

Q. Where did you pay them?

A. In White's office. I promised them twenty more after the election was over.

Q. Were there any you paid more than five dollars?

A. I gave one man ten dollars down stairs there, and forty after the election—promised to give him fifty.

Q. Who was that?

A. I don't know his name—he is an ex-policeman.

Q. The same man Mr. Hoffman paid money to?

A. Yes, sir.

Q. State if it was not Jerry Mahoney you paid the money to.

A. I don't know.

Q. When was he a policeman?

A. I think on under Johnson's first administration.

Q. Were there any of them that you paid more than five dollars apiece to?

A. I paid three men twenty-five dollars—gave them an extra twenty apiece.

Q. Did White's men vote?

A. Yes, sir, a portion of them did.

Q. Where?

A. About twenty of them voted in the first precinct of the Fourth Ward.

Q. Did you see them vote?

A. Yes, sir; I had the tickets.

Q. What ticket did they vote?

A. The straight Democratic ticket. You don't suppose they would let them vote any thing else, do you?

Q. Were any of the twenty legal voters of the Fourth Ward?

A. I think not, sir; in fact I know they were not.

Q. What voting did they do in that ward?

A. That I don't know.

Q. What report was made to you by White as to the total number of votes cast?

A. He said the parties had been voting; didn't know the exact amount of votes—some fifty or sixty.

Q. State whether or not Gleason's party—the party of eighteen from New York—voted.

A. Yes, sir.

Q. Where did they vote?

A. First precinct of the Fourth ward.

Q. Where else?

A. The second precinct of the Fourth ward.

Q. Where else?

A. The first and second pretincts of the Sixth ward. Never a man of them challenged.

Q. Did every man get in his vote?

A. Yes, sir.

Q. What ticket did they vote?

A. They voted the Democratic ticket.

Q. Where else did they vote?

A. I don't know. I left them at the Sixth ward polls to go to the West End.

Q. What report did Mr. Gleason make as to the number of votes cast by his men after he left you?

A. Well, I disremember the exact number voted—between a hundred and twenty-five and fifty.

Q. These were cast, you say, in the West End? He told you so?

A. Yes, sir.

Q. What did Burns' party do?

A. They came to the first precinct of the Fourth ward, and voted there.

Q. What time did they go to the First precinct of the Fourth ward?

A. Shortly after the polls opened—to start in with.

Q. How many votes did Burns' party cast?

A. That I saw in the first precinct of the Fourth ward—I disremember the amount—either eight or ten.

Q. What ticket did they vote?

A. The Democratic ticket.

Q. Where else did they vote?

A. That is the only place I saw them vote. They went the same round as these others.

Q. How many votes did Burns report as his gang having cast altogether?

A. On the day of the election?

Q. Yes, sir.

A. I think about one hundred and fifty votes.

Q. Were any of Burns' men challenged in the Fourth ward?

A. No, sir.

Q. Are you acquainted with a man named Sim Day?

A. No, sir.

Q. Did Fairchild's men vote?

A. Yes, sir.

Q. How many of them did you see vote?

A. He had eight men, and voted himself. I tried to stop him from voting.

Q. Why did you want to stop him?

A. I didn't want the leaders of any of these men to vote. Fairchild was a stubborn fellow, and would vote.

Q. Why did you not want the leaders to vote?

A. Because I didn't want to see the leaders getting arrested. It would cost more money to get them out.

Q. How many votes did Fairchild report?

A. Something over one hundred. I don't know the exact number.

Q. You speak of these men reporting to you. What arrangement, if any, had you made in relation to reporting?

A. I had arrangements to meet them at my place—that is, the men leading these men—different times during the day. I had arrangements to meet them on three different occasions through the day, for the purpose of seeing how they were getting on, and for the purpose of knowing whether any of the men had got arrested in their rounds.

Q. Supposing they had been arrested, what was the necessity of meeting them about it?

A. Well, I was going to take them out of prison on straw bail, as is usual in cases of that kind.

Q. Can you do that?

A. Well, I guess such things are done. You ought to know—you are a lawyer.

Q. State whether or not, among those who reported at the Empire, was not Tony McCaffery, judge of election of the Twenty-first ward?

A. I have met him frequently—not on the day of the election—the day before the election.

Q. What conversation did you have with Tony in regard to the election?

A. Well, in regard to being judge of the election.

Q. What was that?

A. About trying to manipulate a few votes, I believe.

Q. Were they manipulated?

A. Reported back to me that they were.

Q. State whether or not you are acquainted with one William Dowlin.

A. Yes, I am.

Q. Who is Dowlin?

A. I don't know what he does—nothing about him; he used to be a watchman at the National Theater.

Q. State what conversation you had with him about the election, if any.

A. I heard him say he was to be one of the judges; I didn't know whether he was or not; said he was to me.

Q. What money did you pay him?

A. Gave him one hundred dollars.

Q. Where did you meet him?

A. Well, I of course met him to talk with him at the Grand Hotel, I believe; and afterwards met him at Kelly's saloon, down on Broadway.

Q. Is he a ward politician of the Democratic persuasion?

A. I believe he is recognized as such; I think he owns to it.

Q. How long has he been recognized as such?

A. I have not been acquainted with him very long; a couple of years, I guess.

Q. Are you acquainted with James W. Fitzgerald?

A. I know his son very well.

Q. Who is Mr. Fitzgerald?

A. Supposed to be a lawyer here in the city.

Q. What is he politically?

A. I think at the last election he was a Democrat. He changes so often we can't keep track of him.

Q. Is he Democratic candidate for Judge of the Police Court?

A. He got that nomination, I believe.

Q. Was he elected?

A. Beaten about eight or nine thousand, I believe. I was partially the cause of his getting the nomination.

Q. Did you have any conversation with Mr. Fitzgerald about this election?

A. I did. Yes, sir.

Q. When was that, and what was it?

A. He was getting my opinion of the election. I told him how I knew the election could be beat, how they could manipulate the ballot-boxes a little, and he wanted me to show him how.

Q. What was the understanding between yourself and Fitzgerald?

A. I would not show him, because I thought he would not have nerve enough to accomplish any thing. I promised to do it, but I did not.

Q. How long was there any negotiations between you and Mr. Wallace and his friend before this money was paid you that you got from the business man?

A. Yes, two or three days talking about it; they thought I was a too high-priced man.

Q. What money did you pay to Gleason for the services rendered by him?

A. I think it was seven hundred and fifty dollars; it was not less than that.

Q. State what money you paid Burns for the services rendered by him?

A. I gave him five hundred dollars.

Q. State what money you paid Fairchild for the services rendered by him?

A. I gave him the same amount, five hundred dollars apiece.

Q. What moneys did you pay to other parties? What amount did you give Gleason for his men?

A. He settled that himself; I just made a contract with him; I didn't have nothing to do with any of these men.

Q. Do you know what sums of money Mr. Gleason received from parties in New York?

A. I don't remember but what I heard him say he got a thousand dollars.

Q. What is Gleason?

A. Emigrant runner, ship runner on the docks, kind of rough and fighter around New York there.

Q. Does he go under an alias?

A. They call him "Mike the Bite."

Q. Do you know for what ticket the Indianapolis party worked that was here?

A. Only know what they told me; said they was come for the interest of the Democratic party, I believe.

Q. Do you know anything about the number of votes they cast?

A. I don't, sir.

Q. Who did you see when you went to the Sixth Ward polls?

A. Went up there with Gleason; I never went there but once in the day; saw Jim Fitzgerald there taking tickets, and with a couple of negroes upon the stand. One was challenged; I spoke to Fitzgerald about it; I knew him to be a voter, and he took his vote on my say so.

Q. Please examine the ticket now handed to you, and state whether or not it is a fac simile of the tickets voted by Gleason, Burns, Fairchilds, and men in their respective gangs, at the polls you have named, and the ticket for which they worked at the said election.

A. This is a fac simile of the ticket voted by them in the First District. I gave them tickets to use in the Second District.

Q. Please examine and mark your name on this ticket and attach it as a part of this deposition.

A. I do, and hereby write my name on it, and attach it as part of my deposition.

Q. What other moneys have you paid out besides that which you have now told me of?

A. Those are the principal ones I paid out; I can not collect one half; I recollect some driblets I paid out.

Q. The $3,600 you received from New York?

A. I got to bet the biggest portion of that on the result of Mr. Sayler's majority.

Q. What majority did you bet Mr. Sayler was to receive?

A. I bet a portion of it off on fifteen hundred.

Q. Did you have any conversation with Mr. Sayler as to the amount of work to be done, and the money to be paid by him?

A. No, sir, never in my life. Mr. Sayler is a personal friend; he never paid me a dollar.

Q. Was there any other gang than those you have named that voted in the Fourth Ward and first precinct?

A. The Indianapolis men come through there and voted once.

Q. How many votes did they cast?

A. I think there was ten of them.

Q. What other gang?

A. This Baltimore party voted up that way.

Q. How many votes did the Baltimore party cast?

A. I think there was seven men when they first come there.

Q. State whether or not there was a gang which Mr. Conway accompanied that voted in the Fourth Ward.

A. I seen him up there with some parties; I don't know whether it was the gang he was with.

Q. How many of that party voted?

A. Six or eight voted there.

Q. How often did that party vote in that way?

A. Twice to my knowledge. If they came there when I was away I don't know.

Q. Can you remember any other persons to whom you paid money or received it from other than those you have indicated above?

A. No, sir.

Q. You have accounted for a large number of illegal votes cast in the first precinct of the Fourth Ward; now, if that is so, how does it occur that the vote in that ward was not as large at that election as it has been at some elections held previous to it?

A. That is very easily accounted for.

Q. Then how do you account for it?

A. Could not get to the ballot-boxes well.

Q. What do you mean by that?

A. That the Republican party had a judge we didn't know. We didn't know the clerk very well. He was named Pierce, and we could not do any thing with him.

Q. Where is Mr. Pierce employed?

A. I think he is at the cotton factory, corner of —— and Walnut.

Q. Suppose you could have got to the judge and clerk?

A. We could have operated very readily without the judge with the clerk. Down there the same has been done in that ward fifty times.

Q. How?

A. Get them to write more names on the tally-sheets than there were ballots in the box.

Q. Then what would you do?

A. Find out the names on the tally-sheet more than there was ballots put in the box; have tickets already prepared and folded—make a bustle—and then manage to get the tickets in the box.

Q. Would not that be very hard to do?

A. No, sir; perfectly easy to do with two judges.

Q. That is why the Fourth ward gave such a nice majority?

A. Yes, sir.

[The contestee objects to so much of the foregoing answer as relates to my conversation between the witness and other parties than the contestee.]

Q. State whether or not you are acquainted with one Charles Young?

A. Yes, sir.

Q. Did he take any part in the election?

A. I believe he did. Yes.

Q. State whether or not he voted at the Fourth ward polls?

A. Yes, he did.

Q. Did you pay, or promise to pay, any money to Young?

A. I did. Yes.

Q. Did you pay it to him?

A. No, sir.

Q. Why?

A. Because he threatened to have me indicted because I didn't settle with him.

Q. What did you say to him about the money?

A. I told him he could go to hell, and would not get a cent out of me.

Cross-examination.

Q. By M. F. Wilson, of counsel for contestee: Are you not under indictment in the United States Court?

A. Yes, sir.

Q. Have you received, from any one, any promises, inducements, or any consideration whatever for your testimony in this case?

A. No, sir, I have not.

Q. Have you not been promised that, in case you testify in this contest, the indictment against you in the United States Court will not be called for trial?

(Objected to by counsel for contestant, on the ground of its indefiniteness, and counsel for contestee is requested to name by whom it is claimed such a promise is made.)

A. No, sir, I have not.

Q. Do I understand you, then, to mean that you give all this testimony, which criminates you to such a great degree, of your own free will, and accordingly without expectation of deriving any benefit, in any shape or form, from your testimony?

A. I do expect some benefit from it, certainly.

Q. State upon what that expectation is based.

A. It will have a tendency to make matters easier in my case, certainly. There will be a great deal of feeling and prejudice in my case, and I want to show the public that that prejudice and feeling against me is based on wrong grounds entirely.

Q. Did any candidate on the Democratic ticket, at any time before the October election, employ you to procure illegal votes?

A. A candidate on the Democratic ticket ask me in as plain language as that? No, sir.

Q. State what language was used.

A. They employed me to work. Knew I was a good worker, and could command a good many votes and get a good many; that was about the sum and substance of the language.

Q. Then, I understand you to say, or mean, that when a candidate employed you to work for the ticket, it was an inference of your own that he intended you should procure illegal votes?

A. Yes, sir. I don't think many of them have any scruples against anything of that kind.

Q. Who were the candidates on the Democratic ticket that spoke to you about the success of the Democratic ticket?

A. I spoke to Mr. Wallace and Mr. Banning; in fact, pretty much all the candidates on the ticket.

Q. Did you have any conversation with Judson Harmon, the contestee in this case, in reference to working for the Democratic ticket?

A. I think I did not. I don't think I have ever talked to him about any illegal votes.

Q. Did he ever, at any time, ask you to work for the success of the Democratic ticket before the October election?

A. Yes, sir; told me that he was a candidate, and liked for me to assist in his election. Never said anything of fraudulent votes, or having anthing wrong done.

Q. What ticket did you vote?

A. I voted the Democratic ticket. I never voted anything else.

Q. Did you vote a straight or a scratched ticket?

A. I voted a straight ticket this time. Generally vote a scratched ticket.

Q. Did you vote for Judge Cox?

A. I talked of voting for him, but it didn't count.

Q. What do you mean by that?

A. I scratched off the name in the wrong place—personally desired to work for the success of Judge Cox. I made up my mind before the election to work for him, but on the day of the election there was one man on the Republican ticket I wanted to vote for. They came to see me about it, and said, "Just let him go; we will drown him with the balance." I had made up my mind before the election to work for him.

Q. Are you acquainted with one L. M. Hazen?

A. Yes, sir; very well.

Q. Did you not, at a time very soon before the election, state to Mr. Hazen that you intended to run Judge Cox away ahead of his ticket in the Fourth ward?

A. I did; yes, sir. At the Adams Express Company I made the statement, I think.

Q. Did you not endeavor to get some of the parties whom you have spoken of as being here for the purpose of voting illegally to vote for Judge Cox at the October election?

A. I stated there I had spoken to them before the election about it, countermanded the order, and told them we would have to drown him with the rest.

Q. Do I understand you to say that you endeavored to procure the parties who were here for the purpose of voting illegally, to vote for Judge Cox?

A. The parties were here subject to my order, and they didn't know one candidate from another.

Q. Did you endeavor to get the parties who were subject to your order to vote for Judge Cox?

had nothing to say about it. I fixed the tickets myself. They took the tickets and tore them up, and gave them new lots.

Q. Did you not, at the start, fix some tickets for these parties to vote which contained the name of the Democratic candidate for Judge erased and the name of Judge Cox substituted?

A. I took a portion of them and destroyed them.

Q. Why did you countermand this order and change the tickets?

A. It appeared to raise a kind of a kick at headquarters, and I stopped it.

Q. Why and for what reason did you first prepare these tickets with the name of Judge Cox on them?

A. Well, it was on account of a little matter. There was an indictment against me in that court, a gambling indictment pending against me, and I went up there one day to stand trial in my case. I was drunk at the time, and Judge Cox was on the bench. Never had exchanged ten words with the gentleman in my life, and I think Ampt was prosecuting attorney at the time. He got me in there, and I had no attorney with me, and got me to put in a plea to the indictment, and I plead guilty, I think, to the wrong count in the indictment, and Cox postponed sentence in the case until two o'clock in the afternoon. Edgar Johnson was in there; called me out, and told me I didn't know what I was doing; told me to come back at two o'clock. He attended to the case for me, and I retracted the plea I had put in; and in place of Cox sending me to prison, he fined me in the afternoon, I think, four or five hundred dollars; and I told Mr. Johnson at the time that I was very thankful for the kindness he had shown towards me, and if it ever laid in my power I would try and repay it. As a matter of course, Mr. Cameron asked me if I could not do any thing for him as a personal friend of his, who would like to see him elected.

Q. You have spoken of a number of parties whom you say voted illegally in the Fourth, Fifth, and Sixth wards? Did you know, at any time that these parties that voted were not entitled to vote?

A. Yes,sir, I did.

A. Yes, sir; I did.

Q. Did they so vote by your advice and procurement?

A. I employed these men to come here; I employed the leaders to fetch them here; made the arrangements with Mr. Burns and Mr. Fairchilds, at the Goss and Allen fight; met Gleason in New York.

Q. You have spoken in your testimony in chief about manipulating the tally sheets by procuring the clerk to write a number of names on them, and of stuffing the ballot boxes by putting in votes enough to correspond with those names?

A. Yes, I have known it done very frequently.

Q. Have you ever been a party to such proceeding?

A. I decline to answer.

Q. Who told you that Mr. Hoffman got the money which you have mentioned in your examination in chief?

A. It was talked of in the committee room, down there, by several parties; I seen him get some money myself; I don't know the amount; I think it was a couple of hundred dollars.

Q. When and where did you have any conversation with Mr. Fitzgerald, that you have spoken of?

A. He was sitting in his buggy, up on Vine street, near the Club House.

Q. What time?

A. In the evening.

Q. How many persons outside of yourself, the leaders of the gangs, and the men themselves in the gangs, and James White, knew that the parties were here for the purpose of voting illegally?

A. There was not a man in Cincinnati that knew the men; it was common talk that it was to be done around the hotel; I transacted my business with just one man; especially around the Empire, there, because men associated in business with me, one of my partners, didn't think it was a good thing to have them around the court house.

Q. Did any candidate on the Republican ticket, or friend of any candidate on the Republican ticket, receive information from you that the men you have spoken of were in town for the purpose of illegal voting?

A. No, sir.

Q. Do you mean to say that the parties who voted illegally in the Fourth, Fifth and Sixth Wards, voted the Democratic ticket, that you actually saw them vote the ticket, or that you infer they voted the Democratic ticket because they were employed to work for the success of it?

A. The Gleason party (I was in three wards) took tickets from me, walked right up and voted, and the parties that come from the First Precinct of the Fourth Ward voted from me; I was standing opposite the challenging committee; they come and took tickets out of my hand.

Q. State what your business has been for a good many years past.

A. My business? In the saloon business at present; I am a gambler by profession; supposed to be of them; I don't gamble any more than usual; I have been a backer of faro games, although I don't gamble myself.

Q. Can you give the names of any of the parties that were in what you call the gang under Gleason from New York?

A. No, sir; there were eighteen big stout able-bodied New York men I seen vote one hundred and eight times, myself.

Q. Do you know any of the names under which they voted?

A. No, sir.

Q. Do you know the names under which any of the parties in the Burns gang voted?

A. No, sir.

Q. Do you know the name of any parties with Fairchild, outside of Fairchild himself?

A. No, sir.

Q. Where was the money paid them?

A. In the Empire. I gave Mr. Fairchild five hundred, Burns five hundred, and Gleason seven hundred and fifty.

Q. Did you keep any list of any of the names?

A. No, sir: I did not. It is not necessary, in a piece of rascality like that, always to print it up.

Q. Did Mr. White keep any list of the names for you?

A. He had a list down there; paid a lot of old suckers he had five dollars a piece.

Q. Are you acquainted with one Paul Wheaton?

A. No, sir; I am not.

Q. Did you ever see him or have any conversation with him?

A. I think he is a restaurant boy. I gave him a five dollar note, and promised him a twenty.

Q. Are you acquainted with one Brockman?

A. No, sir.

Q. Did you have a room in Mr. White's office in which you received and talked to them?

A. I had a room back of his detective agency.

Q. What time of the day was it that the eighteen men you speak of voted in the First Precinct of the Fourth Ward?

A. They all voted there just as soon as the polls opened. They were in a hurry.

Q. What time did Burns' party come into the Fourth Ward?

A. Just as quick as I could get back.

Q. What time was it that Fairchild voted in the Fourth Ward?

A. We waited for him to come?

Q. Have you received any information, either directly or indirectly, from the office of the District Attorney of the United States for this district in reference to your testifying in this case?

A. I have not, sir: never talked with anybody on the subject, only my attorney.

Q. Who is your attorney with whom you talked?

A. Mr. Campbell there.

Q. Did Mr. Campbell state to you that by testifying in this case you could procure any favor or consideration on account of the indictment which is now pending against you in the United States Court, before you had testified?

A. Not directly, he didn't.

Q. What do you mean by directly?

A. By giving a guarantee that I would go scot free, or any thing of the kind.

Q. Did he state any sentence you might receive?

A. It was not necessary for Mr. Campbell to say any thing to me. I didn't propose to make a secret of it any longer: every body seemed to know it: everybody broke faith with me that day that had any thing to do with me in this matter. I decline to answer.

Q. Did he state that any testimony you should make might have an influence on any sentence you might receive?

A. I decline to answer.

Q. Is not one of your motives in testifying a desire to revenge yourself upon certain parties whom you think have not treated you fairly?

A. My word is worth as much more over a politician's as a good dollar is over a counterfeit. As to revenge, O, no.

Re-direct Examination.

Q. Mr. Wilson has asked you if any candidate contracted with you to bring illegal voters here, or asked you to procure illegal votes, and you replied that no candidate in as plain language had asked you to do so. You have further answered to another question that it was an inference of your own that they wanted you to do this kind of work. State whether or not that inference was plainly and easily gathered from their manner and conversation with you?

A. Yes, sir; it was.

Q. Mr. Wilson has inquired about votes cast for Judge Cox. State whether or not Mr. Cox received a single vote more in the Fourth Ward than the average of his ticket?

A. Not to my knowledge he didn't.

Q. How was it that this fellow Hazen had a conversation with you? Who commenced it, and what did he request to be done in the premises?

A. He never requested nothing to be done. I started the conversation myself. I had been there on some business—to express opinions on the election. Lew Weir heard it. I told him I thought every man on the Democratic ticket would be elected, with the exception of one of the judges. I thought Cox's prospect was very good; I was going to assist him if I could.

Q. You say that it was your intention to have personally assisted Judge Cox?

A. Yes, sir.

Q. That you did not do so because a kick was given?

A. Yes, sir.

Q. Who were the parties that gave the kick?

A. It was generally talked of in the commitee rooms.

Q. Who were the talkers in reference to the matter?

A. Several parties. I don't know who they all were—politicians around there.

Q. Did Mr. Hoffman?

A. No; I don't think he ever said any thing to me.

Q. Did Mr. Miller?

A. It was spoken of in that committee. I finally stopped the conversation by saying that I was going to work for the whole Democratic ticket.

Q. Were you present at the November election in the Fourth Ward?

A. No, sir; I was in bed all day.

Q. You don't know about the November election in that ward?

A. No, sir; I think it was an increase on the October vote.

(Counsel for contestee objects to inquiries concerning the November election, because of the agreement entered into—counsel for contestant assenting that any reference to the said election should not be taken down.)

[Signed,] E. HOLLAND.

I certify that the foregoing depositions were sworn to before me, and reduced to writing in my presence, in the taking of said depositions; that the same were written in shorthand by me, with the consent of counsel to said cause, respectively.

It was further agreed that my transcript of said shorthand notes might be read in evidence in said cause.

I further certify that I am not counsel, or in any way interested in the taking of said depositions, nor in the event thereof.

Whereunto I do hereby set my hand this twentieth day of February, A.D. 1877.

E. H. RYDAL,
Notary Public, Hamilton county, Ohio.

All objection to the testimony taken by E. H. Rydal is hereby waived, except as to competence and relevancy.

C. W. COWAN,
One of attorneys for contestee.

John Coleman, of lawful age, being duly sworn, testified as follows:

Q. State your name, age and residence?

A. John Coleman; age, 22; Storrs street, opposite the public hall. Twenty-first ward. I could not tell the precinct.

Q. State if you voted at the October election for State and county officers, held October 10, 1876?

A. Yes, sir.

Q. Where did you reside at that time?

A. On Evans street, Twenty-first ward.

Q. How long previous to the election had you resided in the Twenty-first ward?

A. I suppose about two months.

Q. Are you sure that you lived in that ward more than twenty days before the election?

A. Yes, sir.

Q. Did you vote at any other ward or precinct at that election?

A. No, sir.

Cross-Examination.

Q. State where in the Twenty-first ward you were living on the day of the election?

A. On Storrs street.

Q. With whom?

A. My father.

Q. How long had you been living with your father before the eleetion?

A. I had been living with him there about eight days.

Q. State where in the Twenty-first ward you lived before you moved to your father's residenee?

A. I lived on Evans street, between Eighth and the C. H. and D. railroad.

Q. About how long had you been living there?

A. I had been living there about a month and a half.

Q. Did you take your meals there?

A. Yes, sir.

Q. Sleep there?

A. Yes, sir.

Q. Did you live there steady, on and on, or did you stay there part of the time, and at your father's residenee part of the time?

A. Whenever I wanted to go up town I would go to my father's residenee; get my meals up town, and sleep at my father's house.

Q. Where did you have your washing done at the time?

A. At my father's house.

Q. Is your brother living now on Evans street?

A. Yes, sir.

Q. To whom did you pay board on Evans street?

A. Miss Rollins and Mr. Kerns.

Q. During the time that you were boarding on Evans street, did you stop any of the time at your father's house? If so, how often?

A. Yes, sir, I have stopped there about onee a week.

Q. Did you take any of your meals at your father's house? You and your brother?

A. On Sundays, at dinner time.

J. COLEMAN.

William Coleman, of lawful age, being duly sworn, testified as follows:

Q. State your name, age, and residence?

A. William Coleman, 23 years of age; Storrs street, Twenty-first ward.

Q. You voted at the election for State and county offieers, held on the 10th of October, 1876?

A. Yes, sir.

Q. Where?

A. The Twenty-first ward.

Q. Were you at the time a resident of the Twenty-first ward?

A. Yes, sir.

Q. How long previous to the eleetion had you resided in the Twenty-first ward?

A. Surely two months in all.

Q. Are you eertain that you resided in that ward for more than twenty days previous to that election?

A. Yes, Sir.

Q. Do you know of a negro eorn-doctor named Davis? If so, did you make any statements to him at any time, or in his hearing, that you were not a resident of the ward?

A. No, sir. I never talked to him—only spoke to him in the offiee one day.

Q. Did you vote at any other ward or precinct of that eleetion?

A. No, sir.

WILLIAM COLEMAN.

Thomas Coleman, of lawful age, being duly sworn, testifies as follows:

Q. What is your name, age, residence, and occupation?

A. Thomas Coleman; age, 44; residence, Twenty-first ward, Storrs street.

Q. Did you vote at the October election of 1876?

A. Yes, sir.

Q. Where?

A. In the Twenty-first ward.

Q. Were you a resident of the ward at that time?

A. Yes, sir.

Q. For how long previous had you been?

A. I myself had only been down there—well, I moved there on the second, I think, of October, about eight days before the election.

Q. Are you married or single?

A. Married.

Q. You live in the ward with your family?

A. Yes, sir.

Q. State, if you know how long John and William Coleman resided in the ward previous to the October election of 1876.

A. Well, they boarded down there with Miss Hollins and Mr. Kerns.

Q. For how long?

A. Well, they were not there steady all the time; off and on for two months before I moved down there.

Q. What do you and they consider as their residence for more than a month previous to the election?

A. Well, they consider that down there their residence, in the Twenty-first ward.

Q. And you know of your own knowledge that they did reside there?

A. Yes, sir; drove a team there for me.

Q. Did you vote at any other ward or precinct in that election?

A. No, sir. THOMAS COLEMAN.

F. X. Barratt, of lawful age, being duly sworn, testified as follows:

Q. What is your name, age, and residence?

A. F. X. Barratt; twenty-five; 91 East Third street.

Q. State whether or not you were at the polls on the election held on the 10th of October, 1876?

A. I was at the polls of the Twenty-fifth ward, first precinct, from six o'clock until the closing of the polls in the evening after counting the votes.

Q. State what, if any, facts are within your knowledge concerning alleged voting from No. 12 McAllister street.

A. Well, I knew about McAllister street on the Saturday previous to the October election. I had the canvassing of that territory, and on Saturday morning I went up there with Mr. Brooks, a colored man, and in passing by there inquiring of the residents who lived here and who lived there, we came to No. 10. He said that was vacant, nobody living in there from the first day of August. I told him there would be no voters out of No. 10. On the day of the election I didn't hear a vote from No. 10.

Q. Were you at the polls of that precinct during election day, and did any person offer to vote from No. 10?

A. No, sir; not to my knowledge. I didn't leave the polls, I don't think, five minutes.

Q. State whether or not it was customary upon the part of the Democratic challengers to challenge negro voters?

A. Yes, sir. Every negro we had was challenged. Such men as live with Tom Gaylord and Dexter, their servants, that were known by the Democratic party, they refused to let him vote unless they challenged him.

Q. Did any negro that was at the window give No. 10 as his residence?

A. No, sir; not to my knowledge.

Q. Was it well known around the polls that this number was not occupied—No. 10?

A. Well, if it was I didn't see it. I didn't have any cause to make that announcement. If I thought there was going to be any illegal voting I would have mentioned the fact.

Q. State what other matters you know concerning the casting of illegal votes at that poll?

A. Towards the close of the polls a man came up there, brought down by the Democratic party, and voted. The name he gave was John Gaylord; swore that he lived at Dr. Carson's house—was a servant of Dr. Carson's. I happened to know Dr. Carson's family well, and knew his servant, and didn't recognize in this man the servant of Dr. Carson. We challenged his vote and he voted. I went afterward to Dr. Carson and asked Dr. Carson if he had a man in his employ by the name of John Gaylord. He said "No." He told me the man had voted, and swore he lived at his house. We had the man arrested—arrested by Officer Knox, I think the name is.

Q. What ticket did he vote?

A. I presume he voted the Democratic ticket because they were his backers, and he was brought there by a Democrat—Ed. Moses brought the man down.

Q. Who is Ed. Moses?

A. Ed. Moses is a reputed gambler.

Q. What ticket did you see the man vote?

A. Well, I could not see whether it was a Democratic ticket; it was not open; it was folded up; he was brought there by a Democratic man.

Q. What was done with this Gaylord?

A. We had him taken to the Hammond Street Station-house, and particular orders were given not to allow bail unless on a responsible bond. We went up there at the police court with Dr. Carson and Mr. Smith. Mr. William Phelps stood right there.

Cross-examination.

Q. Do you mean to swear that no negroes were challenged who said they lived at No. 10 McAllister street, or simply that you did not hear any say that?

A. I swear that I didn't hear any negro give that number as his residence that voted there that day.

Q. For all you know, then, some may have given their residence as No. 10 McAllister street?

A. No, I don't think so. I didn't hear any body give their residence as No. 10 McAllister street.

Q. Can you swear positively that you heard the answer given by every negro who was challenged at that precinct on that day?

A. While I was there I can. I went to dinner at one o'clock, and there may be some voted then.

F. X. Barratt.

Harry Blackburn, of lawful age, being duly sworn, testified as follows:

Q. What is your name, age, residence, and occupation?

A. Harry Blackburn; thirty-three; Hartwell, Ohio; contractor.

Q. State whether or not you took part in the October election? If so, where?

A. I did. I was one of the challenging committee at Hartwell, Ohio.

Q. State whether or not you know of a Luke White who voted at that precinct on that election?

A. I do.

Q. State what facts you know concerning his being an illegal voter?

A. I know that he swore that he received his papers in Baltimore, Maryland, in the October election. I know it is a fact out there that he has no right to vote at all.

Q. Why has not he a right to vote?

A. They claim he never received any papers. His wife stated so. I can only tell you what he said in the November election. I cannot swear to it, but it can be sworn to.

Q. Was his vote taken or refused?

A. It was refused.

Q. Upon what grounds was it refused in November?

A. He swore in November that he received his papers three days after he landed in New York.

Q. Who were the judges of the election?

A. In the November election Mr. Smith, Mr. Price, and Mr. Garretson; October there was Mr. Price, Mr. Mill, and Mr. Garretson. Joe Reckner, a Democratic committeeman, told me himself that Luke White never received any papers, and had no right to vote, he knew at the time, but was not going to say any thing about it.

E. W. Goble, of lawful age, being duly sworn, testified as follows:

Q. What is your name, age, residence, and occupation?

A. E. W. Goble, 37 Westwood, Hamilton county.

Q. What part, if any, did you take in the State and county election held on the 10th of October, 1876?

A. Nothing more than a kind of challenging committee, and was chairman of the campaign committee of our precinct.

Q, State whether or not you are acquainted with one Valentine Kline?

A. Yes, sir, I know him.

Q. Where does he live?

A. He lives in the north-eastern precinct of Green township, known as section 16.

Q. What precinct do you live in?

A. I live in the north-eastern precinct, called Green township proper.

Q. State whether or not Kline voted at the October election in your precinct?

A. Yes, sir.

Q Was he a resident of the precinct?

A. No, sir.

Q. State whether or not you know of his voting at any other precinct of the township.

A. I heard that he had. Mr. Richard Means told me he saw him vote in the other precinct.

Cross-examination.

Q. You say that you did not know of your own knowledge that he voted in any other precinct of Green township?

A. I didn't see him vote in any other precinct.

Q. He was raised in Green township, was he not?

A. No, sir; I think he came from Germany.

Q. How much do you know about that?

A. I don't know any thing about it, any thing more than the looks of the man and his talk. He is about fifty years old, I suppose.

Q. Does he not live very near, or on the line dividing the precincts?

A. I don't know just what the distance is between the lines. He lives on section 16. Last spring he came over to vote in our precinct. I told him at that time he had no business to vote there, that he lived in another precinct.

Q. Did you challege him?

A. No, sir, didn't see him until just as he was in the act of putting his ticket in the box and handing it to the judge.

Q. Why did you not challenge him?

A. I don't know why; I thought he knew better.

Q. Did you poll Green township?

A. No, sir.

Q. Did you poll your precinct?

A. No, sir, not individually.

Q. Do you know of its being polled?

A. We had a meeting, and several of us out there polled it only from our knowledge of the town. I believe I know every body in the township, pretty near.

Q. How many negro votes are in your township?

A. I don't know, sir, just exactly.

Q. Approximate the number as near as you can.

A. I suppose there are thirty-five.

Q. How many are in your precinct?

A. I don't know that exactly; I think I had nineteen down on my list at the time, but there were some few more voted.

Q. How many negro voters do you know voted at the October election?

A. I could not state just how many there were. I know there was a few more than what we had on our list.

Q. Was it not a matter of general report in your township that there were a large number of fraudulent negro votes polled there at the October election?

A. No, sir.

Q. Do you know Louis Lebenstein or Lowenstein?

A. Louis Lebenstein, yes, sir. I don't know where he lives.

Q. Do you know that he voted at the October election?

A. I heard that he voted, but I didn't see him vote.

Q. Do you not know that he was not entitled to vote?

A. No, sir.

Q. Do you not know that he was not naturalized?

A. No, sir; he was naturalized. I seen his first papers some time ago. Whether he got his second papers or not I never seen, but his first papers I did see.

Q. He did not vote at the November election, did he?

A. Not that I know of.

Q. How long had he lived in Green township?

A. He had been there two or three years, I don't know exactly how long.

Q. Who was he working for at the time of the October election?

A. I believe he was working for Mr. Davies.

Q. Do you know about a school teacher named Barrow voting? Did he vote in your precinct?

A. I don't know of any man of that name.

E. W. GOBLE.

A. J. Price, of lawful age, being duly sworn, testified as follows:

Q. State your name, age, residence, and occupation.

A. A. J. Price; thirty-six; Hartwell; painter.

Q. State whether or not you are acquainted with one Luke White; if so, did he vote at the State and county election held on the 10th of October, 1876?

A. I am acquainted with him. He lives close to me; is a neighbor. He did vote.

Q. Did he vote at the November election?

A. No, sir; he did not.

Q. Why did not he vote at the November election?

A. His vote was challenged, and he swore to different facts to them that he swore to in the October election.

Q. State fully all the circumstances that lead you to the conclusion that he was not a legal voter.

A. He had said to me on the previous October election that he was not entitled to a vote at all. His wife made the remark in my presence that he was nothing but a mummy—no man about him—or he would have taken out his papers long before. I was greatly astonished to see him swearing in his vote at the October election. He was brought there by the Democratic rallying committee.

Q. Where did he say he took his papers out at?

A. At the October election he swore he took them out at Baltimore.

Q. What statements did he make concerning the papers at the November election?

A. He was sworn at the November election, and under oath stated that his papers were taken out in the city of New York. I asked him how long he had been in this country when he got his papers. He said he thought he got both papers the first year. He said he was positive he got his papers the first month he was here—probably three or four days after he arrived in New York City he got both papers. I then asked him if he hadn't sworn in the October election that he got his papers in Baltimore; and he hesitated, and then said he believed he had sworn he got them in Baltimore.

Q. What ticket did he vote?

A. I am satisfied he voted the Democratic ticket.

Q. Did he tell you what ticket he was going to vote?

A. He told me prior to the election that if he had to vote he would vote the Democratic ticket.

Q. Was it a Democratic executive committeeman that took him there?

A. Yes, sir.

A. J. PRICE.

John W. Herron, of lawful age, being duly sworn, testified as follows:

Q. What is your name, profession, residence, and what connection, if any, did you have with the election held on the 10th day of October, 1876, in this county?

A. My name is John W. Herron; occupation, attorney-at-law; residence, Cincinnati. At the election on October 10th I was one of the judges of the upper precinct of the Fifth ward.

Q. Please state whether or not, during the time that you were acting as judge, any colored votes were offered and challenged, and upon investigation the parties challenged stated they were residents of No. 10 McAllister street; if so, how many, to the best of your recollection?

A. There were quite a number of colored voters at that precinct whose votes were challenged, and who were sworn and examined as to their residence. I have no recollection that any of them stated that they lived at No. 10 McAllister street. There were quite a number of them living on McAllister street, and they always gave their exact residence; and Captain Welch, who did the challenging, had a book in which he entered the residence which each one of them gave. I can not now remember the number, because I am not familiar with the numbers of any of the houses on that street.

Q. You say Captain Welch made a memorandum of the voters challenged in a book?

A. He had a little memorandum book in his hand on which he made a memorandum of each voter challenged, and the name and residence that he gave. McAllister street was only one block from the polls, and it was very easy in five minutes to go there and return, and report whether the house was occupied or not. He had a memorandum book in his hand, and held it before him in writing. Whether he had a separate paper to write on, or wrote in the book, I can not now tell.

Q. Is it possible that ten persons could have offered to vote from one number, every one of whom was challenged, without the matter making such an impression as that you would remember the circumstance?

A. I think not. I believe in every case the voter was sworn by myself, and the examination conducted by myself.

Q. State how long you have lived in that ward, and whether or not you are acquainted, more or less, with the voters of the ward; and, if so, please state whether there was a larger number of colored voters at the election referred to than is usually cast at elections in that ward and precinct?

A. I lived in the precinct, with the exception of two years, for the last twenty-two years, and have been judge of the election for three or four different times since colored men voted, and I was satisfied at the October election that the colored vote did not exceed that usually given in that precinct. I think I am quite well acquainted with voters in the ward.

JOHN W. HERRON.

EXAMINED BY T. C. CAMPBELL.

S. W. Hoffman, of lawful age, being duly sworn, testified as follows:

Q. State your name, age, residence, and occupation.

A. S. W. Hoffman; age, 32 years; 570 West Seventh street; city auditor.

Q. Were you an executive committeeman of either party during the last election?

A. No, sir.

Q. State whether or not you took any active part in the election held in the city or county on October 10, 1876.

A. I did.

Q. Are you acquainted with one Smith Wood, of New York? If so, when and where did you meet him?

A. Yes, sir; I met him at the Grand Hotel, Cincinnati.

Q. When?

A. I could not state the date; it was in October.

Q. Do you know what Mr. Wood's business was in the city at that time?

A. I presume it was in the interest of the Democratic ticket.

Q. What are his relations, so far as you know, to Samuel J. Tilden?

A. None that I know of.

Q. What moneys do you know of his disposing in this city?

A. I know of none.

Q. What money did he dispose of in this city, either to your own knowledge, or that you have heard?

[Question objected to.]

A. I don't think I have heard of any.

Q. Do you not know that Smith Wood paid out in this city a large sum of money?

A. I do not.

Q. Why did you hesitate so long to answer my question as to what you had heard relative to his paying out money?

A. For the reason that I heard money had come here. I was trying to think whether it had come from him or not.

Q. Please state what money you receeived from the Democratic Committee in connection with the election.

A. Two hundred dollars.

Q. Did you not receive the sum of five hundred dollars?

A. I did not.

Q. Or sixteen hundred dollars from another?

A. I did not.

Q. How many conversations did you have with Smith Wood?

A. It would be hard to say. I have had several.

Q. How long did he remain in the city?

A. I could not say as to that. I didn't see him every day he was here.

Q. State whether or not he was the reputed manager for Samuel J. Tilden in the West.

A. As to that I could not say.

Q. With whom was he in consultation in regard to political matters in this city?

A. He was at the Grand Hotel. I presume he talked to a great many of them.

Q. How many, to your knowledge?

A. He was talking to all the committee.

Q. Was he talking more to the committee and Democratic managers in this city than any other stranger that came here?

A. As to that I could not say.

Q. Was his consultation with you private?

A. No, sir.

Q. Who was present at it?

A. I guess as many as twenty-five in the same room; probably more than that.

Q. Did you not have any private consultation with him?

A. I was in his room one day.

Q. Were there any persons present in the room besides you at that time and Smith Wood?

A. Yes; there were two gentlemen in the room.

Q. Who were they?

A. Mr. Wash. McLean was one of them; the other gentleman I don't recollect. He was a stranger to me.

Q. Was he a resident of Cincinnati?

A. No, sir; I judge not.

Q. From where was he?

A. Indeed I could not say where he was from. I was just introduced to him, and that was all.

Q. Did you receive any money in relation to political matters previous to say November 10?

A. No, sir, none whatever, except the two hundred dollars I have already testified to.

Q. Did you pay any money to James White?

A. I did not.

Q. Were you requested to pay any money to James White?

A. I was not.

Q. By no person?

A. No, sir.

Q. Were you not requested by Ephraim Holland to pay James White a certain sum of money?

A. No, sir.

Q. Some money?

A. No, sir.

Q. At no time?

A. No, sir.

Q. Did you have any consultation with White?

A. No, sir.

Q. Have you been at the county jail this morning?

A. No, sir.

Q. At the court-house?

A. Yes, sir.

Q. State whether or not you visited the office of Dodds & Wilson previous to calling here to-day.

A. Yes, sir.

Q. Are they opposing counsel in this case?

A. I understand so.

Q. Did you pay a sum of money to Dick Courtney in connection with political matters?

A. Not to my knowledge at the present time. I might have given him ten or fifteen dollars at the October election. Don't think I did that.

Q. You say you received no money whatever in connection with the elections?

A. None, with the exception of that two hundred dollars.

Q. Did you have any conversation with White about the election?

A. If I did it was not anything of a private character—meeting him in the committee room.

Q. Mr. Hoffman, did you receive a sum of money from John R. McLean in connection with this election?

A. I did not.

Q. What other private consultation did you have with Smith Wood than this that you have—I mean the conversations that were not for the public at large—in connection with political affairs?

A. No other private conversation. I met him probably four or five times in the committee room while he was here.

Q. Do you not know as a matter of which you are morally certain that Smith Wood was here as a manager for Samuel J. Tilden?

A. No, sir; I understand he was here in the interests of the Democratic party.

Q. Do you make any distinction in this case, as you have intimated just now that you do, between Samuel J. Tilden and the Democratic party?

A. Simply the distinction between a man and the party.

Q. Was he here in the interest of the party?

A. I understand so.

Q. What did he do in connection with the interest of the party in this city?

A. I understand that he was here to see if the committees were all thoroughly organized to assist them with advice, etc.

Q. So, is that all you know?

A. Yes, sir.

Q. Is that all you heard?

A. Yes, sir, all that I hear d.

Q. You know nothing by hearsay or otherwise of his having money here for political purposes?

A. I do not.

Q. Are you acquainted with Ephraim Holland?

A. I am.

Q. How long have you been acquainted with him?

A. Indeed I could not say.

Q. Had you any conversation with him about political matters?

A. Yes, sir, in our committee rooms.

Q. Was he a member of the committee?

A. He was not.

Q. Was Ephraim Holland a member of your executive or campaign committe?

A. He was a member of the campaign committee.

Q. What was the regularly organized committee of the Democratic party?

A. The executive committee, consisting of one man from each precinct in the county.

Q. Were these committeemen of whom you speak regularly elected by the Democratic voters in the several precincts?

A. Yes, sir.

Q. Then you partly entrusted its direction and management to the committeemen elected from each precinct in the county, numbering in all some eighty or ninety persons?

A. I could not tell you what the number was.

Q. What is the approximate number of persons?

A. Somewheres near seventy.

Q. And then to the persons so elected the management of the party was and usually is entrusted?

A. Yes, sir.

Q. Now, then, the campaign committee, how was that organized?

A. That was a sub-committee from the general executive committee.

Q. Was any person appointed to the campaign committee other than those that were appointed by the chairman of the executive committee?

A. I presume not.

Q. Then you were not a member of the campaign committee?

A. I was not.

Q. Mr. Holland was not a member of the campaign committee?

A. No, sir.

Q. Neither of the executive nor campaign?

A. I think he was elected.

Q. When you spoke of Mr. Holland and yourself being at committees, do you mean that you were there as members of the committee?

A. In the citizens' committee.

Q. What is the citizens' committee?

A. A committee appointed by the citizens outside the executive.

Q. Did they they then have separate sessions outside the executive and campaign committees?

A. We did.

Q. Who were members of this citizens' committee?

A. One man from each ward.

Q. Was Mr. Holland a member of the citizens' committee?

A. He was.

Q. And Mr. Hoffman?

A. He was.

Q. And Mr. Hatshorn?

A. He was not.

Q. Then your consultation with Mr. Holland, you say, was as a member of the citizens' committee?

A. Yes, sir.

Q. Any private consultation with him?

A. Not any.

Q. Who was chairman of the citizens' committee?

A. I don't think there was any chairman elected to it. I think that the chairman of the executive committee acted as chairman, without any action being taken.

Q. Who was from the Ninth Ward.

A. Indeed, I could not tell you now.

Q. Was Mr. Fitzgerald a member of the committee?

A. He was not.

Q. Of neither committee?

A. No, sir.

Q. Who was from the Eighth Ward?

A. I think it was—I won't be sure between two men, whether it was Mr. Mallon or Mr. Malony.

Q. Who was from the Fifth Ward?

A. Indeed, I could not say.

Q. Who was from the Fourth Ward?

A. Mr. Holland.

Q. How long was that committee organized previous to the election?

A. Well, I would say inside of ten days. I could not say exactly the date.

Q. Mr. Holland was absent in New York, was he not?

A. At that time, I think not.

Q. If Mr. Holland was absent from the city at the time of the organization of it, would it be likely that he would be put on that committee?

A. If they knew he was coming home they would keep it open for him.

Q. Why?

A. He was recognized as the committeeman of the Fourth Ward.

Q. Did you have any conversation with White, of a political character, previous to, or during the election on October 10th?

A. No, sir.

Q. You say you may have talked to him in the committee room?

A. Yes; as I do with everybody.

Q. Was not White a member of the citizens' committee?

A. No, sir.

Cross-examination.

Q. From whom did you get the $200 to which you refer.

A. From the chairman of the committee there that night; money raised by citizens, as I understood it.

Q. State what you did with it.

A. I used it in the Seventeenth Ward, not outside, for paying expenses. I never left the polls from morning to night.

[Signed,] S. W. HOFFMAN.

Daniel Brooks, of lawful age, being duly sworn, testified as follows:

Q. What is your name, age, residence, and occupation?

A. Daniel Brooks; thirty-three; No. 8 McAllister street; coaching.

Q. How long have you lived in the Fifth Ward, Mr. Brooks.

A. Nine years next October.

Q. Are you pretty generally acquainted with the colored voters in that ward?

A. I am, in that precinct.

Q. Were you at the polls of your precinct on the 10th day of October, 1876?

A. Yes, sir; I was there pretty well all day, lacking two hours.

Q. Are you acquainted with one Captain Welch, ex-captain of police?

A. Very well.

Q. Under whom was he a captain of police, do you know?

A. I think he was captain of police under Mr. Johnson.

Q. Mr. Brooks, state whether or not the colored men of that precinct were pretty generally challenged at the election held on the 10th of October?

A. More than challenged. Two or three had been challenged who voted since the Fifteenth amendment; nearly every one, except two or three.

Q. State if, during the time you were there, colored men offered to vote, and, when challenged, gave their residence as No. 10 McAllister street?

A. There was none as I knows of.

Q. Was No. 10 McAllister street occupied at that time?

A. No sir.

Q. Had it been for some considerable time previous to the election?

A. I have been living right aside of No. 10. The last lady left there the 10th of August.

Q. Now, Captain Welch testified that he challenged ten colored men, each of whom gave No. 10 McAllister street as their place of residence, and that he afterwards examined No. 10 and found it vacant. State if it was possible that that large number, or any large number of voters should be challenged and give such place of residence without your knowing it?

A. No, sir; there is none in that street. There's not a man living in No. 10.

Q. Was that fact generally known at the polls?

A. This fact was generally known at the polls. Every colored man they challenged that they didn't exactly know. There would be two or three colored men, and they would holler out, "Another man from No. 10 McAllister street," and the man give his number at another place. This was the thing that was carried out, and we thought it was fun all day.

Q. But no person gave their residence as No. 10?

A. No, sir; because nobody lived at No. 10.

Q. Were there any more colored votes cast in that precinct, in the Fifth Ward, than usual?

A. I don't think there were quite as many. Two or three of our men was down the river at that time.

DANIEL BROOKS.

Lewis Anthony, of lawful age, being duly sworn, testified as follows:

Q. State your name, age, residence, and occupation?

A. Lewis Anthony; twenty-five; No. 8 McAllister street; work around at odd jobs.

Q. Were you at the polls of the second precinct, of the Fifth Ward, at the last October election?

A. Yes, sir.

Q. How much of the day were you there?

A. I was there all day.

Q. Did you see any colored men who were challenged say they lived at No. 10 McAllister street?

A. No, sir.

Cross-examination.

Q. If any colored men had given No. 10 McAllister street, were you in such a position as to have certainly heard it?

A. No, sir, I was not.

Q. Where were you standing at the polls?

A. I could not say.

Q. Were you near enough to hear every thing that was said?

A. Sometimes I was there and other times away.

Q. Did you hear every colored man challenged?

A. Yes, sir.

Q. How many?

A. I could not say how many there was.

Q. Was nearly every one that came up challenged?

A. Yes, sir.

Q. Did you hear nearly every colored voter challenged?

A. Yes, sir.

Q. Did you hear any one of those that were challenged give No. 10 as their place of residence?

A. No, sir.

LEWIS ANTHONY.

Edward Jacobs, of lawful age, being duly sworn, testified as follows:

Q. State your name, age, and residence.

A. Edward Jacobs; thirty-four; 427 Plum street.

Q. State whether or not you were present at the polls in the Tenth Ward on the 10th of October, 1876.

A. I was.

Q. State what, if any, facts you know concerning the casting of illegal votes on the election held on that day and in that ward.

A. Well, all I know is there were seven or eight voters that voted in October, their votes were refused; in November, when they were challenged, their votes were refused.

Q. Who were they, do you know any of their names?

A. I know only one, Captain Hurlbut.

Q. Upon what ground was his vote, and that of the others here you have referred to, refused in November?

A. Because they were not residents.

Q. What explanation did they make?

A. Claimed their residence on a canal boat.

Q. What ticket did they vote in October?

A. The Democratic ticket.

Cross-Examination.

Q. Did you see the tickets they voted?

A. I did.

Q. Where were you standing?

A. On the front platform.

Q. Did they vote an open or closed ticket?

A. Folded it up.

Q. Were they challenged in October?

A. Challenged, no.

Q. Nor in November?

A. No, sir.

Q. How many were there of them?

A. About eight.

Q. Did they not come back to vote in November?

A. Yes, sir.

Q. What was the ground of the challenge?

A. They were not residents of the ward. They made a statement to the judges, and the judges refused their vote.

Q. Do you know whether any voted a scratched ticket?

A. No, sir, they did not, because if they did I should have seen them.

Q. Who gave them tickets?

A. One of the rallying committee standing at the polls.

Q. Did you watch them from the time they had got their tickets till they voted?

A. I watched every man up the steps.

Q. Did you see what ticket the men gave you?

A. I did.

Q. What statements did they make in November when they came back?

A. Their statement was that they resided on the canal boat; claimed they had a right to vote there; on examination, we found they lived up in the country.

Re-direct Examination.

Q. What part did you take in the State election?

A. Rallying the voters.

Q. Were you a member of the rallying committee of either party; if so, which?

A. I was a member of the rallying committee of the second precinct of the Tenth Ward; that is, I was not named by the executive; the executive called a meeting; I told them if the men proposed to pay, I didn't go on the list; I was working to the interest of my party.

EDWARD JACOBS.

Nelson Barrett, called by contestant, and being duly sworn, deposeth and saith as follows:

Q. State your name, age, residence, and occupation.

A. I am thirty-three years of age. My name is Nelson Barrett. Reside at 277 Walnut street. Am railroad engineer.

Q. State where you lived in October, 1876, and state whether or not you voted at the election held on 10th of October, 1876.

A. I lived at the corner of Stabler and Storr streets. I did vote at such election.

Q. State whether you are married or single, and how long you lived in said ward, county, and State previous to such election.

A. Am married: lived in the ward three months previous to October election; have lived in the county three years and in the State twenty-one or twenty-two years. I am a native-born citizen.

Q. State whether or not you are acquainted with a negro man, named Davis, who pretends to be a doctor, and if so, did you have any conversation with him, in which you stated to him that you were not a resident of the Twenty-first ward? Did you ever have any conversation with him about said election?

A. I do not know such a man. I never told him that I was not a resident of the Twenty-first ward. I have never had any conversation with him about such election, that I remember.

Q. State whether or not you are acquainted with John and William Coleman; if so, state whether or not they are residents of said ward, and whether they were qualified to vote at such October election.

A. I do know them by sight; they have lived in the ward since March, 1876—that is what I hear. I think they were qualified to vote at such election.

Cross-Examination.

Q. Where was your wife living at the time of such October election?

A. At Mrs. Hagen's, on Fifth street, between Plum and Central avenue.

Q. How long had she been living there previous to such election?

A. I think two or three weeks.

Q. Did she sleep at the house of Mrs. Hagen's during the time she lived there?

A. She did.

Q. About what time did your wife leave Mrs. Hagen's, or is she still living there?

A. She left there about the first part of November.

Re-direct Examination.

Q. For what purpose was she there? And state whether or not you had changed your residence, previous to the October election, to the Twenty-first ward.

A. She was working there temporarily. I had not changed my residence.

NELSON BARRETT.

The further taking of these depositions is adjourned until the 15th day of February, 1877.

WARREN HIGLEY, *Notary Public.*

FEBRUARY 15, 1877.

The further taking of these depositions is resumed, pursuant to adjournment, on this 15th day of February, 1877, at 10 o'clock A.M. Whereupon the contestant called

D. W. Knox, who being first duly sworn, deposeth and saith as follows:

Q. State your name, age, residence, and business.

D. W. Knox; age, forty-four years; residence, Mt. Adams, corner of Court and Hateh streets. Am a member of the police force of Cincinnati, Ohio.

Q. State what voting poll, if any, you were on duty at on October 10, 1876.

A. At one of the precinct polls in the Fifth ward, in Cincinnati.

Q. State whether or not you were called upon by F. Barrett to arrest one John Gaylord, who had voted in said ward, and if so, state what you did—give all the particulars.

A. I was at the polls on duty there, and a man, whose name I don't know, said to me that Dr. Carson wanted me. I went, and overtook Dr. Carson near the corner of Pearl and Lawrence streets, and he said, "I want you to arrest that man there a little ahead of us." I then took him in charge—arrested him—took him to the Hammond-street station-house, and Dr. Carson preferred the charge of illegal voting against him. The name the man gave was John Gaylord. I went to court the next morning to appear against him, and he was called and did not answer. A capias was then issued by the police court for him, and I have it still. I have never laid my eyes on him since.

DAVID W. KNOX.

The further taking of these depositions is continued until Saturday, the 17th day of February, 1877, per agreement.

WARREN HIGLEY, *Notary Public.*

SATURDAY, Febrnary 17, 1877.

The taking of these depositions is resumed, per adjournment, on this 17th day of February, 1877.

Whereupon contestant's attorney produced J. Chandler Harper, who being first duly sworn, deposeth and saith as follows:

Q. State your name and residence.

A. J. Chandler Harper; residence, Cincinnati, Onio.

Q. Where are you at present engaged, and how long have you been there?

A. In the United States Attorney's office; have been there over three years.

Q. State any thing you may know concerning Jim White and the October eleetion, and his bond.

(Objected to.)

A. I have never heard White make any statements in reference to the October eleetion. As to his getting bond, on the 26th of December, abont noon, Mr. Harmon and Mr. Bernard came into the United States Attorney's office, and Mr. Joseph Leiter and John Hayes, and offered them as bondsmen for James White, against whom an indictment was pending for procuring illegal votes, in the United States Circuit Court. Mr. Hayes was examined as to his property, and Mr. Richards, Assistant United States Attorney, refused to accept them as security. Mr. Harmon urged very strongly that Hayes was sufficient; that although not having sufficient amount of real estate required, was worth at least ninety thousand dollars, and should be taken. He said that, in effect, there seemed to be a disposition to demand exorbitant bail, and complained right freely. He then said

he would go out and try to obtain another bondsman. At half-past five o'clock, after all but myself had left the office, he and Mr. Bernard returned with a Mr. W. F. Fuller, as additional help for security. I told him that as Mr. Richards had left, nothing could be done that night. They then went into the Clerk's office and spoke to Capt. Ambrose, the Clerk. He told them, in effect, what I had said. Mr. Harmon seemed quite angry, and said that Mr. Richards had engaged to wait until he should return; said he feared he could not get Mr. Fuller to come again; said he wished the matter had been left to the Clerk, that he would have had more sense in its management, and made use of several phrases more expressive than refined. Thereupon they left. Through it all he displayed considerable excitement and anxiety to have White released.

J. CHANDLER HARPER.

Counsel for contestant offered to prove that Judge Cox only received the average vote of his ticket, which fact counsel for contestee admitted.

WARREN HIGLEY, *Notary Public.*

Isaac A. Smith, being first duly sworn, deposeth and saith as follows:

Q. State your name, age, residence, and occupation.

A. Isaac A. Smith; age, thirty-two; residence, Hartwell, Hamilton county, Ohio, and civil engineer by profession.

Q. State whether or not you know one Luke Ward; if so, state all that you know about his eligibility as a voter.

A. I know him; he resides in Hartwell precinct; he is an Irishman; he offered to vote at the Hartwell polls on November 7, 1876. I was a judge of the election, and upon being challenged said Ward stated under oath that he was a naturalized citizen; that he received his naturalization papers in New York city about five days after he first arrived there from Ireland. I refused to receive his vote, and my action in so doing met the approbation of both of the other judges, Messrs. Garrison and Price. Ward claimed to have lost his papers.

ISAAC A. SMITH.

State of Ohio, Hamilton County, ss:

I, Warren Higley, a notary public in and for said county, do hereby certify that the above named Nelson Barrett, D. W. Knox, J. Chandler Harper, and Isaac A. Smith were by me first duly sworn to testify the truth, the whole truth, and nothing but the truth; that the foregoing depositions, by them respectively subscribed, were reduced to writing by different ones—counsel on both sides mutually consenting and waiving objection—and written, and by said witnesses respectively subscribed in my presence, and were taken at the same time and place specified in the indorsed notice.

In testimony whereof, I have hereunto set my hand and seal this 17th day of February, 1877.

[SEAL.]

WARREN HIGLEY,
Notary Public in and for Hamilton county, Ohio.

Deposition of sundry witnesses, taken before me, Wm. D. Bront, a notary public within and for the county of Kenton, in the State of Kentucky, pursuant to the annexed notice, and at the time and place therein specified to be read in evidence on behalf of the contestee in an action pending in the Senate of the State of Ohio, in which Joseph Cox is contestant and Judson Harmon is contestee. Benjamin H. Cox and ——— Cox being present on behalf of contestant, and Laurie J. Blakely on behalf of contestee.

Benjamin Funk, of lawful age, being by me first duly sworn, deposes and saith as follows:

Q. State your name, age, residence, and occupation. Give the length of time as to your residence and occupation.

A. Benjamin Funk; age, fifty-three years; residence, Covington, Kentucky; and have resided in Covington since 1861; occupation, plow manufacturer. I have been in business in this town since 1861.

Q. Will you please state where you were on the 10th day of October, 1876?

A. I was in Cincinnati during most of that day.

Q. How long were you over there that day?

A. I think I went over between eight and nine o'clock, and came back about four o'clock.

Q. What day was that?

A. The day of the State election in Ohio. That was, I believe, October 10.

Q. Who, if any, went there with you?

A. I went over alone.

Q. Where did you go first when you got over there?

A. I went directly up to the polls on Sixth street—at the engine-house, between Vine and Race streets.

Q. State whether you saw any persons at that polls who were non-residents of Ohio on that day. If you please give their names.

A. I saw a number of persons at that polls who were non-residents of Ohio—quite a number of persons from Covington; but I don't know that I could name any in particular. I saw Harmon Wachs and a barber, whose shop is on Madison street, Covington, Kentucky.

Q. Where in Covington does Harmon Wachs live?

A. He works on Pike street with his brother-in-law; he lives on Bank Lick street.

Q. What is Wachs' business?

A. Tinner.

Q. What was Wachs doing at that polls, if any thing?

A. Talking around among the boys. He did not have any tickets in his hands, but was talking politics very busily.

Q. About how many from Covington did you see at that polls while you were there?

A. As many as half a dozen at least; fully that many while I was there.

Q. White or colored?

A. White.

Q. When did you go from that polls?

A. I went from there to Sycamore, near Eighth street.

Q. To what place on Sycamore street?

A. Engine-house, where they were holding an election.

Q. How long did you stay there?

A. Half an hour, I suppose.

Q. Did you see any persons there who were non-residents of Ohio on that day.

A. Yes, sir.

Q. Please give their names.

A. I don't know that I can give their names, but I saw quite a number of white and colored men there that day, who lived in Covington; I reckon I know one hundred negroes in Covington whose names I don't know.

Q. Can you distinguish any of them? If so, please do so.

A. No, I would not undertake to; any of those I saw at that polls.

Q. What were they doing?

A. They seemed to be engaged in politics; hustling around among the voters and electioneering.

Q. Did you see any tickets in the hands of those colored men from Covington, on that day at the polls?

A. I don't remember that I did.

Q. Where did you go from there?

A. I went from there to Eighth Ward polls, on Race street, at the engine house, near Pearl street.

Q. How long did you stay there?

A. I reckon I was there an hour.

Q. Did you see any men there on that day who were non-residents of Ohio?

A. Yes, sir.

Q. Can you tell how many?

A. Four or five.

Q. White, or colored?

A. White; paid no attention to the colored men there.

Q. Where did they live on that day?

A. In Covington, Ky.

Q. Can you give their names?

A. One was an Italian lemon peddler; I don't recollect their names; Frank Warrington went with me to that polls.

Q. Where does that lemon peddler live in Covington?

A. I have seen him here every day for a year, peddling lemons; I don't know where in Covington he lives; I have understood that he lived in Covington; I have known him here for two or three years; I have seen him night and morning, almost every day, in front of John B. Costa's saloon and confectionery, peddling lemons; Costa's is on Pike, between Madison and Washington streets.

Q. What was he doing at the polls you last mention on that day?

A. He was carrying tickets and electioneering.

Q. What kind of tickets, if you know?

A. Republican tickets.

Q. What were the other Covington men doing there on that day?

A. They were standing around, looking on; I did not see them engaged in anything, in particular.

Q. Where did you go to from that poll?

A. I came home from there; that was the last poll I went to.

Cross-examination.

Q. For what purpose did you go to Cincinnati on the 10th day of October, 1876?

A. I went over to go to the polls to look on; I saw that all the colored people who were in the habit of standing around Seventh street, were missing that morning, and I went over the river to the different polls to see if any of them voted

Q. At whose request did you go to Cincinnati?

A. Nobody's, sir; just from the fact that the negroes who were on Seventh street, where there was so many of them, were missing on that morning, was what induced me to go over.

Q. Where did you vote on that day?

A. I did not vote that day; we had no election that day in our town.

Q. What ticket do you vote?

A. I vote the Democratic ticket. I did that during the war here when it was worth a man's life to do so.

Q. What interest had you in the October election, held in Cincinnati Ohio, that made you leave your business and go from ward to ward in Cincinnati?

A. None at all—only my curiosity at seeing all those negroes leave here.

Q. Do you not know that a number of the persons, both white and colored, that you have spoken of as being in Cincinnati on the 10th day of October, 1876, worked in Covington, Kentucky, and lived with their families in Cincinnati, Ohio?

A. No, sir; none that I spoke of. The persons I mentioned I know live in Covington.

Q. Who is this man you spoke of as Mr. Warrington, where does he live, what is his business, and what was he doing in Cincinnati, Ohio, on the 10th day of October last?

A. He is, I believe, an engineer; he used to live on Washington and Sixth streets; where he now lives I don't know. I met him on Vine Stteet, and he went with me to the Eighth Ward polls, and thence came home with me. I don't know what he was doing there.

Q. What did he tell you he was doing, and what reason, if any, did he state he had for going to the different polls at that election?

(Objected to by contestee.)

A. He told me that he went over there to see if he could see any Covington negroes vote.

Q. Please state, if you know, what ticket Warrington was in the habit of voting.

A. Warrington votes the Democratic ticket, so far as I know.

Q. Please state, as near as you can, the names of all the Covington men, both white and colored, whom you saw in Cincinnati that day about the different polls.

A. Frank Warrington was the only white man that I recollect, as he and I walked to the polls and talked about it on our way home. I could not name any colored men now, but on that day I could have named at least a dozen—I am satisfied of that.

Q. Please state, as near as you can, where the colored men reside in Covington, and where they worked, that you saw at the October polls in Cincinnati, Ohio.

A. They mostly lie about the Seventh street market-house, along Seventh street market-space, sunning themselves, like black-snakes.

Reëxamination.

Q. How many colored persons, in your judgment, that resided in Covington, did you see at the different polls you have referred to in Cincinnati on the 10th day of October, 1876?

A. I saw a good many at each of the polls. I can safely say I saw fifteen or twenty, taking all the different polls.

Q. Are those persons that you saw there on that day still lying around the same places they did previous to that day?

A. I can't say that they all are. I still see some of them on the streets. I saw pretty much all of them next day.

Q. Can you, between now and to-morrow morning, at 9 o'clock, recognize and give the names of the colored men you refer to, or any portion of them?

A. No, I can't, unless I ascertain their names. I know them by sight, but not by name.

The further examination of this witness is adjourned until to-morrow morning at 10 o'clock, and, by agreement of parties, is to be resumed at the law office of L. J. Blakely, Esq., at No. 517 Madison street, in Covington, Kentucky.

WM. D. BRENT, *Notary Public.*

SATURDAY MORNING, February 17, 1877.

At ten o'cock A.M. further examination was resumed according to adjournment.

Reëxamination continued by Laurie J. Blakely

Q. Can you now recognize and give the names of the colored men you have referred to, or any of them as being in Cincinnati, October 10, 1876?

A. Yes. I remember of having seen a colored man named Plewett, whose first name I don't know, but who lives in an alley between Madison and Washington, running south from Seventh to Eighth street, and whom I see nearly every day. I recollect distinctly of seeing a negro named John, who formerly belonged to Levi F. Daugherty, of this city. He was owned and raised by said Daugherty. I saw also another named Ganes. I saw also John Parker on that day, known also as Bunty Parker. I don't recollect just now the names of any more. These are a portion of the men I referred to yesterday in my deposition.

Q. You say that you have voted the Democratic ticket during the war when it was worth a man's life to do it: will you please say what you were engaged in at that time?

A. I was manufacturing plows at that time. I was also in the military service, and was a captain of a company in the Forty-first Kentucky Regiment.

Q. Union or Confederate service?

A. In the Union service.

BENJAMIN FUNK.

Also, the deposition of Frank Warrington, taken at the same time and place, in same behalf and same matter, who, being duly sworn, deposes as follows:

Q. By Laurie J. Blakely, counsel for Judson Harmon, contestee. State your name, age, residence, and occupation, giving length of time as to residence, etc.

A. My name is F. C. Warrington; residence, Covington, Ky.; age, 36 years; occupation, engineer on the river.

Q. Please state where you were on the tenth day of October, 1876; and what day was it?

A. As to the date, I can't say positively; but I was in Cincinnati, Ohio, at the different polls on the day Milton Sayler and Banning ran.

Q. Ran for what?

A. Ran for Congress. It was at the last general election in the State of Ohio in October last.

Q. Where did you first go in Cincinnati, Ohio, on that day?

A. I first went to the old Fourth Ward, now called the Eighth, at the One's engine house on Race street, between Front and Columbia streets. It was a voting place.

Q. State whether or not you saw any men there at that time who were non-residents of the State of Ohio on that day.

A. Yes, sir, many of them.

[Objected to by counsel for contestor.]

Q. State whom you saw there.

A. I saw both whites and blacks.

Q. How many, if you know?

A. When I first went over there, saw four or five different blacks and five er six or six or eight different white men, all of Covington, Ky.

Q. Please give their names if you can do so.

A. C. C. Scales, George Morris, Riley, who is the auctiooner of Casey & Wayne; a gentleman who is a salesman over there, but I can't just now recall his name; he goes a good deal with our present sheriff; James Casey, of Casey & Wayne; a mate on the river named Mont Haskins—all white. These are all the whites I can remember just now. I saw Daugherty's negro Bus, who goes under the name of Smith; saw a negro who goes under the name of Breckenridge; a negro by the name of Porter; a negro who goes by the name of George Washington; also saw a negro named Ganes. I also saw Judge Riley's negro. I belive these are all I can enumerate at the present time.

Q. What were these niggers doing there, if you know?

A. They were taking a very active part in the election. I saw two or three of them with tickets—white tickets—and the others were among others of their color, talking and taking a very active part in the election. This was between eight and nine o'clock.

Q. What do you mean by white tickets?

A. They were the tickets used over there. Both parties used white tickets.

Q. Do you know any thing of illegal votes being cast at that voting-place that day? If so, state what you know, and by whom.

A. I know of two, later in the day. I know the negroes' faces, and know them by sight, and that they are Covington negroes.

Q. How long have you known them to have lived in Covington, Kentucky?

A. I have known them ever since I was deputy jailer, which has been five or six years ago—since the year 1870.

Q. Where did you go from that place?

A. I went from there to what is called the Second Precinct polls, on Plum street, between Front and Columbia streets, on the east side of Plum.

Q. Whom did you see there?

A. I saw some three or four negroes, and some two or three white men.

Q. Do you know their names and residences? If so, will you please give them?

A. I don't know their names. One of the negroes works at Montgomery's elevator, and goes under the name of Harrison; another works at same place, and is known as Black Bill; one, whose name I don't know, but who works for Wessel & Co.'s Willow Run distillery, and who lives down on the river and takes care of Wessell's horses and buggy. All these are Covington, Kentucky, negroes.

Q. How long have you known them to have lived in Covington, Kentucky?

A. I have known them here for three or four years; I can't state exactly, but for several years.

Q. Do you know of any illegal votes having been cast at that voting-place? If so, please state what you know. I mean on that day.

A. I know of one later in the day. I pointed a negro out after dinner of that day. The police took him off, and I don't know what became of him. That was on Tuesday, and on Wednesday I saw him back here in Covington.

Q. Where did he live on that election day?

A. He was a Kentucky negro, and lived in Covington, Kentucky.

Q. Where did you go from there that day?

A. I went from there up to what I always knew as the old Flat-iron Precinct, near Lawrence street, or a street that runs by the engine-house to the river. It was a voting-place.

Q. Whom did you see there?

A. I saw several there, but no person but Cincinnati men, that I know of.

Q. Where did you go from there on that day?

A. I went up to what I know as the Bucktown polls, on Broadway, near Eighth street.

Q. What was being done there?

A. Voting—holding an election there.

Q. Whom did you see there?

A. I saw Bunty Parker there and several other colored men.

Q. Where did Bunty Parker and the other colored men live on that day, if you know?

A. Bunty Parker and two or three of the negroes lived in Covington, Kentucky, and two or three lived in Lexington, Kentucky, and worked at Bill Hinc's distillery in Lexington, Kentucky, in 1869, when I was working there, for I had them employed.

Q. How long have you known Bunty Parker and the other two or three colored men to have lived in Covington, Kentucky, and how long have you known the others to have lived in Lexington, Kentucky?

A. I have known Bunty Parker and the two or three Covington negroes to have lived in Covington for several years. I have known the others since 1869.

Q. What were they doing at the polls spoken of on that day?

A. They seemed to have been taking an active part in the election. I went and spoke to them—that is the Lexington negroes—"Boys, what are you doing down here?" They said they were down here to see how the election was coming on. They had no tickets in their hands, but were going around talking among the men. Bunty Parker had those white tickets in his hand. Don't know whether they were Republican or Democratic tickets. I know from the company he kept that they were not Democratic tickets.

Q. Do you know what ticket Bunty Parker votes? If yea, please tell.

A. Yes, sir. He votes the Republican ticket invariably.

Q. Do you know whether or not he takes any part in politics in Covington, Kentucky? If yea, state it, and in what behalf.

A. Yes, sir; an active part in all elections. He is king-bee among the negroes. He takes part on behalf of the Republican party.

Q. Do you know of any illegal votes cast at the polls last spoken of by you on that day? If yea, please tell it.

A. I don't know of any illegal votes cast, but know of an attempt. There was a negro came up and attempted to vote. I pointed him out and he was taken off of the stand. He lived in Covington, Kentucky, on that day.

Q. Where did you go on that day from that place?

A. I went around to the Sycamore street polls, where they were holding an election between Seventh and Eighth streets.

Q. Whom did you see there?

A. I saw several parties there. I saw Daugherty's negro Bus there when I got there. He is the one of whom I spoke before.

Q. What was he doing there?

A. He was standing around looking on. I did not see him taking an active part at that time.

Q. Do you know of any illegal votes having been east there on that day? If so, state by whom.

A. I eau not say to a eertainty that I saw an illegal vote east, but I had not been there to exceed fifteen minutes when this same negro that I had pointed out on Broadway was standing in front of the judges of election in the aet of voting. I elbowed my way through the erowd up to the stand and pointed this negro out the seeond time. The poliee took him away from there, and I don't know what beeame of him.

The further taking of depositions is now adjourned, by eonsent, until 4 o'elock this afternoon; and it is further agreed between the parties hereto, that eontestee, Judson Harmon, shall have the right to summon another witness, to appear at the place of the taking of these depositions, and testify in his behalf; and, if the taking of the said deposition be not eoneluded within the time now fixed for elosing the testimony herein, the same shall be eontinued on Monday, February 19, 1877, at the same place, and shall be read, by agreement, on the hearing of this cause, before the Senate of the State of Ohio.

BENJ. H. COX, *Counsel for Jos. Cox, Contestor.*

LAURIE J. BLAKELEY, *Counsel for Judson Harmon, Contestee.*

Attest: WM. D. BRENT, *Notary Public, Kenton Co., Ky.*

SATURDAY, February 7, 1877, 4 P.M.

The deposition of F. C. Warrington resumed.

Present for contestor, Mr. Cox.

Present for eontestee, Mr. Blakely.

Q. Where did you next go, in Cincinnati, on that day?

A. I eame back to the old Fourth Ward polls, now the Eighth Ward polls.

Q. Will you please state in what eity and State are the polls, or other plaees, of which you have spoken in this deposition, loeated?

A. They are in Cincinnati, Ohio.

Q. Where did you next go on that day?

A. I kept backwards and forwards, from the Raee street and Plum street polls.

Q. Did you see, or do you know, of any other illegal votes having been cast at the election held on that day in Cincinnati, Ohio?

A. I can't say that I do.

Cross-examined by Counsel for Contestant.

Q. What were you doing in Cincinnati, Ohio, on that day?

A. I went over there for the purpose of detecting illegal votes east on that side of the river.

Q. Did you go over there on your own aecord, or at the request of some other party?

A. I went at the request of other parties.

Q. Who were those parties? Please state their names.

A. Mr. Gus. Clark, of Cincinnati; C. C. Scales, from this side of the river, and John D. Brent, of Covington, Ky.; Frank Lowe, of Covington, Ky., and some gentleman from the Eighth Ward, or Sixth Ward—an alderman or councilman—called, I think, Dock. He is a gentleman who wears a plug hat, around which is a white band.

Q. Did you see any white citizens of Kentucky around the polls that day?

A. Yes, sir, many. I saw Captain Benjamin Funk, William Morris, George Morris, Captain Chenoweth, Vincent Shinkle, my father, C. G. Warrington, and others.

Q. Did you vote in Cincinnati on that day?

A. I did not, nor have I ever.

Q. Did you receive any remuneration for your services over there that day?

A. No, sir, not a cent.

Q. You then went over there through pure motives of friendship?

A. I did, sir.

F. C. WARRINGTON.

The deposition of Charles Barnett was taken at the same time and place, in the same matter, and same behalf, who, being duly sworn, deposes as follows:

Q. State your name, age, residence, and occupation?

A. My name is Charles Barnett; age, 26 years; residence, No. 157 East Tenth street, Covington, Kentucky; occupation, cabinet-maker.

Q. Please state where you were on the tenth day of October, 1876.

A. In Cincinnati, Ohio.

Q. What, if you know, was being done in Cincinnati, Ohio, on that day?

A. They had an election over there.

Q. About what time did you go over there on that day?

A. I went over early in the morning, at about half-past seven o'clock.

Q. Whom did you see over there on that day, and where did you see them?

A. I saw Christian Hehr, W. S. Stevens, Charles Fisher, James McIntire, Barney Purcell, Patrick Woods, and —— Wilaky—don't know his first name—in Cincinnati, Ohio.

Q. Do you know where those men lived, or any of them, on that day, October 10, 1876, and if you do, will you please tell their residences?

A. I do not. I know them to have been in Covington at that time. That was the day before the election, October 9, 1876. They did not live in Ohio on that day.

Q. Had you ever seen them, or any of them, before that 9th day of October, 1876? If so, state where and when it was, and if you knew where thew lived at that time. state the facts.

A. I had. I had seen them in Chicago, Illinois, in 1875. I saw them there, and became acquainted with them there—all of them.

Q. Were they living there at that time?

A. Yes, sir.

Q. Did you have any conversation with them in Covington, Kentucky? If so, please state where it was, what time it was, where you first met them, and what, if any thing, passed in conversation between you.

A. I did, on Pike street, between Madison and Washington streets, in the forenoon of October 9, 1876. This was the first time I met them. The conversation between us was about what they were doing here. I asked them what their business was here in Covington, and they told me their business was to go to Cincinnati and vote on the 10th day of October, 1876. We had a few drinks together, and separated, and talked no more about it.

Q. Where were they stopping in Covington, if you know?

A. I don't know.

Q. State whether or not you asked them?

A. I did, and they would not tell me where they were stopping in Covington.

Q. Did you see them, or any of them, afterwards? If so, state when and where it was?

A. I saw them early in the morning, on the 10th day of October, 1876, on the corner of Second and Scott streets, in this city.

Q. Did you see them after that? If so, state when and where it was.

A. I saw them leaving Averbeck's sa?oon, on the corner of Second and Scott streets, on October 10, 1876, early in the morning.

Q. What, if any thing, occurred after they left Avabeck's? Where did they go, if you know?

A. I saw them go over the river together. I saw them go to the polls. I saw two of them go to the Fifth Ward precinct, I believe on Ludlow and Pearl, and the remainder went to the precinct above that.

Q. Which of them went to that precinct at Ludlow and Pearl streets?

A. Christian Hehr and Charles Fisher.

Q. What did you see done at that precinct on that day?

A. I saw those men go up and vote.

Q. Do you know what ticket they voted? If you do, please tell.

A. They voted the straight Republican ticket.

Q. Did you go any other place on that day? If you did, where?

A. I went to the precinct above, on Third street, near the Little Miami depot.

Q. Whom did you see there, if any one?

A. I saw James McIntire, Barney Purcell, Patrick Woods, and ——— Wilaky.

Q. What were they doing, if any thing, there, if you know?

A. They went up there and voted.

Q. How do you know it?

A. I saw them vote.

Q. Do you know what ticket they voted? If you do, please state the fact.

A. They voted the Republican ticket straight.

Q. In what city and State are the voting precincts you have named situated?

A. In the city of Cincinnati, Ohio.

Q. How long had those men been stopping in Covington when you first saw them on the 9th of October?

A. About two weeks.

Q. Were the men whom you saw in Covington on the 9th and 10th of October, 1876, and whom you have named in answer to question fifth, the same men whom you saw vote on the 10th of October, 1876, in Cincinnati, Ohio, and who you say, in answer to question eight, were living in Chicago, Illinois, in 1875?

A. They were.

Cross-examined by Counsel for Contestant.

Q. When you saw these men separate in Cincinnati, did you see two of them go to the Fifth Ward precinct, aad the rest to the polls near the Little Miami depot?

A. I did.

Q. With which party did you go, if any?

A. I did not go with any of the party.

Q. How do you know that they went to different polls?

A. I followed them up.

Q. How did you follow both parties at the same time?

A. They were altogether until they got up to within a square of the Fifth Ward precinct. There they separated. Two of them went to the Fifth Ward precinct, and the other five went up to the other polls. The five went up to the other precinct. I kept them in view while the two were voting at the Fifth Ward precinct. Then I dodged out of the crowd and followed up the other parties, and saw them vote.

Q. How do you know that they voted the Republican ticket?

A. I saw them go up to the electioneers and get their tickets.

Q. What electioneers?

A. The electioneers that were working in favor of the Republican party; I don't know their names.

Q. Did you see the tickets they obtained from said electioneers?

A. I did.

Q. Did you see them put those tickets in the box?

A. I did.

Q. Were they folded or opened when they placed them in the box?

A. They were folded.

Q. What induced you to follow up these men?

A. The interest of my party.

Q. Did any body tell you to follow up these men?

A. No, sir.

Q. Have you received any pay for following up these men?

A. No, sir.

Q. Was there no other inducement than the welfare of your party?

A. No, sir.

Q. Did you vote at Cincinnati on that day? If so, how many times?

A. Not at all.

Q. Where did these men go, after they left the aforesaid polls?

A. I don't know, sir.

Q. Why did you not follow them further?

A. Because I did not see fit to follow them.

Q. Why did you not challenge their votes when offered?

A. I had no right to.

Q. Why did you not get some body else to challenge their votes?

A. Because I was not paid for it.

Q. And yet you followed up those men without any expectation of receiving reward?

A. I did.

Q. How did you expect to further the interest of your party by following them?

A. Because they told me they were going to vote the Republican ticket, and I thought I would follow them up and see if they did vote that way.

Reëxamined by Mr. Blakely.

Q. What are your politics, and what ticket do you vote?

A. I am a Republican and vote the Republican ticket.

CHARLES BARNETT.

The State of Kentucky, County of Kenton, ss:

I, William D. Brent, a Notary Public in and for the County and State above named, duly commissioned and qualified, do hereby certify that the above named Benjamin Funk, F. C. Warrington, and Charles Barnett, were by me first severally sworn to testify the truth, the whole truth, and nothing but the truth, and the depositions by each of them subscribed, as above set forth, were reduced to writing by myself, who am not interested in the suit, in my presence and in the presence of the witnesses respectively, and were subscribed by the said witnesses in my presence, and were taken at the time and place in the annexed notice specified, and the agreements in the body of said depositions set out, and were continued from day to day, as above set forth; that I am not

counsel, attorney, or relative of either party, or otherwise interested in the event of this suit.

In testimony whereof, I have hereunto set my hand and official seal, this 17th day of February, A.D. 1877.

[SEAL.]

WM. D. BRENT,
Notary Public, Kenton county, Kentucky.

Depositions of sundry witnesses, taken by me, John B. Bontet, a notary public within and for the county of Hamilton, in the State of Ohio, pursuant to the annexed notice, and at the time and place therein specified, to be read in evidence on behalf of the contestee in an action pending in the Senate of the State of Ohio, in which Joseph Cox is contestant and Judson Harmon is contestee. C. W. Cowan, Esq., being present on behalf of contestee, and M. L. Buchwalter being present on behalf of contestant:

Charles L. Hundson, of lawful age, being duly sworn, deposeth as follows:

Q. State your name, age, and place of residence.

A. My name is Charles Lewis Hundson; am 24 yoars of age; reside on John street, between Third and Fourth Streets, Cincinnati, Ohio.

Q. Are you married or single?

A. Am a married man.

Q. Where does your family reside?

A. At Ann Arbor, Michigan, at the present time.

Q. How long have they been residing there?

A. About six months. They have been here several times since then. This is their home.

Q. Where were they residing on or about the 10th day of October, 1876?

A. At Ann Arbor, Michigan.

Q. How long prior to that time had they been residing there?

A. About five months.

Q. How much of a family have you?

A. A wife and two children.

Q. How long have you been residing in Cincinnati?

A. About three years.

Q. Where did you come from to this place?

A. From Put-in Bay.

A. Did your family reside there?

A. No, sir.

Q. Where did they live while you resided at Put-in Bay?

A. At Toledo, Ohio.

Q. Where did they live prior to that time?

A. At Ann Arbor, Michigan.

Q. When did they first come to Cincinnati?

A. When the Grand Hotel first opened—about two years last September.

Q. How long did they remain here?

A. They remained here until November, 1875.

Q. Where did they go to when they left here?

A. Ann Arbor, Michigan.

Q. When did they next come back here?

A. They came back here about Christmas time, 1875, and remained about one month.
Q. When did they next come back?
A. They came back in June, 1876, and remained about ten or twelve days.
Q. Are they keeping house in Ann Arbor?
A. They are living with her father.
Q. Who pays the rent of the house in which they live, and for their support?
A. I pay for their support; her father pays for the rent of the house.
Q. Is her father married?
A. I do not know.
Q. During the time they were here did you keep house or did you board them?
A. I rented a furnished room and lived in that.
Q. Where did you come from when you first came to Ohio?
A. From Michigan, to Toledo, Ohio. My family came with me.
Q. Did you keep house in Toledo?
A. No, sir.
Q. How long did they remain in Toledo before they went back to Ann Arbor?
A. They didn't go back to Ann Arbor from Toledo.
Q. Where did they go to from Toledo?
A. From Toledo they came here.
Q. How long did you and your family live in Toledo?
A. I lived in Toledo from April until June, 1874—I think that was the year.
Q. Did they come with you from Toledo?
A. No, sir.

CHARLES L. HUNDSON.

James C. Johns, of legal age, being first duly sworn, deposes as follows:

Q. State your name, age, and place of residence.

A. My name is James C. Johns; am 58 years of age; reside at No. 136 Sycamore street, Cincinnati, Ohio.

Q. Are you acquainted with the premises No. 138 Sycamore street? If so, who owns them?

A. Yes, they belong to Edward Sargent, as trustee of Christopher Smith, deceased, and I rent them from him.

Q. Who resided at No. 138 Sycamore street on the 10th day of October, 1876?

A. E. T. Page, a colored man, occupied a part of the lower floor for a barber shop; the third floor was occupied by Belle Tilton, as a lodging-room for colored people; the second floor was vacant.

Q. State if you know how many persons were boarding or rooming with Belle Tilton on the 10th of October, 1876, and for ten or twenty days prior thereto.

A. There were none boarding with her, to my knowledge; she never had, I don't suppose, rooming with her more than five or six at that time or any time.

Q. Were they male or female boarders?

A. They were male lodgers—hotel waiters.

Q. State if you know whether the rooms in the third story were sufficient to accommodate from eleven to fourteen persons.

A. There were not; there were rooms sufficient but not beds sufficient, unless they slept two or three in a bed, or on the floor.

Q. Do you know how many beds she had then?

A. She had five double-beds up, which she now has.

Q. How many has she in the family?

A. She has only herself and a little girl properly belonging to the family.

Q. Were you sufficiently acquainted with the premises above referred to on the 10th day of October, 1876, and for twenty days prior thereto, to state at the outside the number of voters, or persons over twenty-one years of age, living or rooming in those premises at that time? and, if so, state the number.

A. I can not state any thing more than I have said, in regard to the permanent lodgers, but I noticed about that time, and a week or two prior thereto, quite a number of colored men, going in and out, being around the premises, in unusual numbers, and were so probably a week or two before the day of election, and a day or two afterward. I noticed these parties but paid no especial attention to them, until some of my tenants made complaint, and asked me what was going on among the colored folks up stairs. My reply was that I did not know of anything unusual. After being satisfied of it I kept a little watch, and discovered quite a number going out and in, both night and day, but there was not any unusual amount of lodgers there that I was aware of.

Q. How long have you resided in that ward and in that neighborhood?

A. Since July, 1870.

Q. Were you acquainted with the regular lodgers who lodged in that house?

A. I had no acquaintance with any of them more than just by sight, passing to and fro.

Q. Did you know of any of those persons who were around there during the time you referred to?

Q. I did not know any of them personally, or by sight either, but noticed quite a number of strange faces going to and fro for some days.

Q. Have you seen any of those persons around the premises three or four days after the election and since that time?

A. I have not seen any of them, that I could recognize, since that time.

Q. State, if you know, whether the lower part of the premises that were occupied by the barber were used for lodging rooms?

A. There were none that I know of; he has no rooms for lodgers; he don't reside there at all. I occupy the balance of the lower portion of the premises myself, for manufacturing purposes.

Cross-examination.

Mr. Johns, you say there were quite a number of changes about these premises during the October election, and for ten or twenty days prior thereto. Do you know what part of the premises they visited?

A. They visited the third floor where these lodging rooms were, and they would go up and down from time to time, seemingly spend an hour or two, then go out again. Some two or three weeks prior to the election, and about a week after, there was an unusual amount going to and fro. Since that time I have noticed nothing more than the usual routine.

Q. What was the greatest number of men you saw there at one time?

A. I can't answer that with any certainty. I should judge from the noise that there was about from ten to fifteen of them at one time.

Q. You say there from ten to fifteen of them at one time. Where do you mean? on the third floor?

A. I mean on the third floor, and at the foot of the stairs in conversation with one another.

Q. From the appearance of the colored men who visited these premises would you have taken them to have been waiters at hotels, or common laborers?

A. I would answer that they all appeared to be men of respectability, and well clad, and conducted themselves in a peaceful manner. I should judge that they were all hotel waiters, and men of that character.

(Last part of answer objected to.)

Q. You said in your direct examination that you knew most of the regular lodgers by sight, and that they were hotel waiters. Please state, if you can, at what hotel or hotels they were employed.

A. I can't answer that question direct; but I have been informed by Miss Belle Tilton thrt she had lodgers from the Grand Hotel, Gibson House, and some from the St. James and "Merchants."

(All of this answer after the first clause objected to.)

Q. Please state, if you can, the name or names of any of the lodgers of these premises, and what part of the premises they occupied.

A. I can not give you the names of any, except one; his name is Charles Moore; he has been there ever since the house first opened, and is still there. They occupied the third floor of No. 138 Sycamore street.

Q. You stated in the direct examination that the second floor of No. 138 was vacant on the 10th day of October, 1876. Please state if it was not occupied by several families at that time.

A. I made a wrong statement on my direct examination in reference to the occupancy of the second floor. I can not say positively without reference to my book whether or not it was occupied in October. I rented the second floor to a colored family who remained there one month. During their stay there they had quite a number of colored men, and also white men, going in and out throngh the entire day and night, and at times were very annoying. It led me to suspicion the true character of the house, and believing that they were not altogether what they ought to be, I turned them out of the premises.

Q. Please give me the name of the party who rented the second floor at the time you have testified to in your last answer.

A. I can not give the name, or positively the month in which they resided there, whether it was in September or October; without reference to my books, my memory does not serve me.

Q. Have you the name of the party above referred to in your rent-book of these premises?

A. I think I have.

Q. Will you bring the book containing the names of the persons who occupied the premises known as No. 138 Sycamore street, this afternoon at two o'clock?

A. I can not be here this afternoon. I have already given you names of occupants, except those on the second floor.

Q. Can you now answer from your book to whom you rented the second floor? If so, state it.

A. On or about the 15th, or middle of October, 1876, I rented the second floor of No. 138 Sycamore to Lucy Maxwell, for the use of Millie Lowry. I can not state definitely as to the day they took possession. It was after the October election.

Q. Have you a memorandum of these tenants in your book?

A. Of these tenants I have not, except in the margin of receipt book.

Q. Have you any memorandum in your rent-book as to who occupied the second floor of these premises?

A. No.

Q. How many rooms in this three-story building, 138 Sycamore?

A. There are ten rooms on second and third floors, and one large store-room on first floor, partitioned off into two rooms.

Q. Has it been a general tenement house within the last year?

A. Not unless you term two families a tenement house. Every one who rents has to take a floor.

Q. Would not parties occupying a floor sometimes sub-let to other parties?

A. It is frequently done; but it is entirely prohibited with me, and never has been done by any tenants who occupied my premises, to my knowledge.

Q. Did you not frequently rent a floor to parties whose families consisted of two or three men, or more?

A. I have never rented to any one where there was more than one man belonged to the house.

JAMES C. JOHN.

John Hatly, of lawful age, being by me first duly sworn, deposes as follows:

Q. State your name, age, and place of residence.

A. My name is John Hatly; am thirty-three years of age; reside at Undercliff.

Q. How long have you resided there?

A. Since May last.

Q. Where did you reside prior to that time?

A. I came from Canada here. I came direct from Canada to Undercliff.

Q. How long had you resided in Canada prior to your coming here?

A. From four to six months.

Q. Where did you go from when you went to Canada?

A. From Dayton, Ohio.

Q. How long had you resided in Dayton prior to your going to Canada?

A. From the summer of 1868 to the time I left for Canada; I can't just give you the month.

Q. Are you married or single?

A. I am married.

Q. For what purpose did you go to Canada?

A. Well, I went as much on a wild goose chase as any thing I know of.

Q. Please answer my question. For what purpose did you go to Canada?

A. Well, there was a business proposition offered me and it failed.

Q. What was the business proposition? And by whom was it made?

(Objected to.)

A. The business proposition was made by a brother-in-law, and it was the wall-paper business.

Q. Was it or was it not a proposition to go to Canada and engage in the business of manufacturing or selling wall-paper?

(Objected to because irrelevant.)

A. It was a proposition to go to Canada for the purpose of selling wall-paper.

Q. What place did you go to?

A. To Toronto.

Q. Where did your brother-in-law reside at that time?

A. At Toronto.

Q. Were you married at the time?

A. I was.

Q. Did you go to Toronto at that request, and did you take your family with you?

A. I did.

Q. Did you engage in that business after you got to Toronto?

A. I did not.

Q. Did you engage in any business?

A. I done a little work—I was painting.

Q. When you left Dayton with your family did you intend to come back there again?

A. I did not, at that time.

Q. Did you vote in Hamilton county on the 10th day of October, 1876.

A. I did.

Q. Where did you vote?

A. At Columbia Hall, First Ward, city of Cincinnati.

Q. What ticket did you vote?

A. I scratched my ticket; I did not vote the straight ticket; I voted the Republican ticket.

Q. Whose name did you scratch off?

A. I couldn't tell you the names. I think I scratched two names—one I am certain; it was Judge Johnson's opponent. I can't say what the other one was; I would not like to swear whether or not it was a judge. I wasn't familiar with the names of candidates.

Cross-examination.

Q. When you arrived in Canada did you not at once learn that your business arrangements with your brother-in-law were "off," and that no satisfactory arrangement could be made with him?

A. I did not until about February.

Q. Did you go with the intention of staying in Canada, provided a satisfactory business arrangement could be made?

A. That was my intention—to stay in Canada—provided a satisfactory business arrangement could be made.

Q. Were satisfactory business arrangements made?

A. No, sir.

Q. When you left did you not intend to return to Ohio, provided you could not make satisfactory arrangements about your business in Canada?

A. I didn't think much of it—had not thought about it at all.

Q. Are you able to say that you did not vote for Judson Harmon for judge of the Common Pleas Court?

A. I am not able to say.

Q. Are you able to say that you voted for Judge Joseph Cox?

A. I am not.

Reëxamination.

Q. Did you not suppose and believe, at the time you lett Dayton for Canada, that your business would be permanent, and did you not leave Dayton with the intention of remaining away?

A. I did. I left Dayton with the intention of remaining away.

JOHN HATLY.

A. J. Benson, of lawful age, being first duly sworn, deposes as follows:

Q. State your name, age, residence, and occupation.

A. My name is A. J. Benson; am fifty-three years of age; reside in Green township, Hamilton county, Ohio; am a mechanic.

Q. State whether or not you were at the Green township polls at the October election.

A. I was one of the judges.

Q. State whether or not there were any illegal votes cast on that day; and if so, give the names of the persons who so voted.

A. There were two illegal votes—one James Robb, one Lewis Leavengood.

Q. State what took place at the time these persons voted.

A. When James Robb presented his vote he was challenged, and after he was sworn he testified that his wife lived in Virginia and he resided here (speaking of Green township). I told him the law held his residence to be where his wife resided, but it further provided that if he had separated from his wife he could gain his residence elsewhere. I then asked him the question if he had separated from his wife. He refused to answer the question; but his vote was put in the box by the decision of the other two judges. Leavengood voted at the 10th of October election. I was judge of the November election also, but he did not present himself to vote. He has subsequently told me that he voted the Republican ticket.

(Last part of answer objected to.)

Q. State what makes you believe the vote of Lewis Leavengood to be illegal?

A. I believe it from the fact that he did not present himself at the November election.

Q. State whether or not you know from conversation with Leavengood as to when he came to this country?

(Objected to. Question withdrawn.)

Q. State, if you can, what the nationality of Lewis Leavengood is.

A. He has told me that he is a Frenchman.

Q. Do you know when he came to this country?

A. About two years ago he told me that he could not speak very good English because he had only been here two years previous to that.

Q. State, if you know, what ticket Lewis Leavengood voted at the October election.

A. I have had conversations with him frequently, and he has told me that he was a Republican. He has told me since the election that he voted the Republican ticket.

(Objected to.)

Q. State, if you know, what ticket James Robb voted at that election.

A. I have no perfect knowledge as to what ticket he voted. I believe he voted the Republican ticket. Most all Republicans vote the Republican ticket.

Q. State, if you know, what James Robb's politics were.

A. I believe he was Republican.

Q. State, if you know, how many colored voters there are in Green township precinct proper.

A. For several years previous to last October there had been from sixteen to twenty-three colored voters. I had been clerk of the election for several years previous to October election, and, near as I can remember now, the number stated is about the number voted from year to year. I think twenty-three is the highest. Last October the number of colored voters run up to nearly forty, and at the November election the number of negro voters decreased to about thirty.

Q. State, if you know, what ticket these negroes voted at that election.

A. The negroes invariably vote the Republican ticket in Green township.

Q. Please state how long you have lived in Green township.

A. I have lived there all my life, with the exception of about eighteen months I resided in the city.

Cross-examination.

Q. How long has Mr. Robb lived in Green township?

A. I think about three or four years.

Q. Does he own land, and is he in business in the county?

A. He owns a farm of 112 or 116 acres, and has owned it for twenty-eight or thirty years. He is engaged in the business of farming. None other that I know of.

Q. Did you ever see his wife? Do you of your own knowledge know that he has a wife in Virginia?

A. I have saw a lady here—I mean in Greene township—who was said to be his wife, but I have no positive knowledge that he has a wife, without I believe what he swore to, that he has a wife in Virginia.

Q. Has he a home, and does he keep up a household establishment, in Greene township?

(Objected to.)

A. He has a home and keeps house in Greene township.

Q. Has his wife, within the three or four years you named, been living with him at his home in Greene township?

A. She has been here, and stayed, perhaps, a month at a time; but I believe she has not been here within the last two years.

Q. Do you not know, and did you not know when you challenged him, that his wife had separated from him, and that she did not now live with him?

(Objected to.)

A. At the time of the objection to his vote, I had no knowledge of the separation from his wife, nor do I yet believe, from any information that I have obtained, that they are separated.

Q. Have you any other information than what you have stated, about the illegality of the vote of Leavengood?

A. None other.

Q. You have no copy of the court records, nor any certified statement, as to whether he procured papers of naturalization?

A. I have none.

Q. Are you willing to swear, or to state under oath, that this man is not a naturalized citizen?

A. I would not say positively that he is not.

Q. How do you know that there were nearly forty colored voters in Greene township proper, at the October election?

A. We are in the habit of counting them as they come in, thereby we find out how many there are.

Q. Did you count them and keep a list of them?

A. I counted them, but kept no list of names. Sometimes we tallied them, but I was absent part of the time.

Q. How many did you count?

A. I think their count run up between thirty and forty—near forty.

Q. Did you keep any count, two or three years ago, when there were sixteen or twenty-three? If so, where is your list?

A. We sometimes would keep tally with marks, and when a negro would vote, we would make a mark. I never kept any list, memorandum or number of negro votes, and when the election was over, would leave the slips of paper on the table or on the floor.

Q. Did you see the tickets of these colored men, at the October election, and can you swear that, of your own knowledge, they voted the straight Republican ticket?

A. I saw some of the tickets; they voted them open. Probably six voted open tickets. They don't take tickets from Democrats standing at the polls. There are two men out there in Cheviot who supplied them with tickets just before they voted. Those two men are Thomas Wills, and Hildreth, a druggist, both strong Republicans.

Q. Have you inquired and ascertained the residence of these colored voters? What ones, if any, did not live in Green township, who voted at the October election, 1876? Give the name of each such illegal voter.

A. I have not made any inquiry into the subject at all. Whether they are illegal votes or not I don't know.

A. J. Benson.

William J. Strong, being first duly sworn, deposes as follows:

Q. State your name, age, residence, and occupation.

A. My name is Wiliam J. Strong; am fifty-two years of age; reside in Carthage; I follow teaming for a living.

Q. State all you know, if any thing, regarding illegal voting at the October election 1876, so for as you have personal knowledge of the same?

A. There was a man by the name of Williams that was a resident of the Twenty-fifth Ward that voted in Carthage. I saw his name on the poll-book; he told me he voted. I saw him going to the polls, and I saw him after he had been there.

Q. Did he state what ticket he had voted?

A. He did not. I didn't ask him, as I had talked to him enough before to know what he would vote if he voted at all.

Q. What was that?

A. He was the strongest Republican I ever talked to.

Q. State the source of your knowledge as to his place of residence.

A. I know the family personally, and before the election, about a month, he was an inmate of the city infirmary; also before the November election he was back an inmate of the infirmary again.

Q. Is the city infirmary in the Carthage precinct, Millcreek township?

A. It is in Springfield township.

Q. Where did his family live in September and October, 1876.

A. In Cumminsville, Twenty-fifth Ward.

Corss-examination.

Q. Do you know that he has been living with his family within the last year?

A. I know that him and his wife have been together and calculated to go to keeping house as soon as he could get something to do. They were at my house and stayed all night a week or two before the election. At the time of the election he was working for a gardener near my place; think he worked there about two weeks, he might have been

four weeks. I got him a job when he first came out of the infirmary. I am not able to say that he voted for Judge Joseph Cox.

his
W. J. ⋈ STRONG.
mark.

N. C. McLean, of lawful age, being first duly sworn, deposes as follows:

Q. State your name, age, residence, and occupation.

A. My name is N. C. McLean; am thirty-six years of age; reside in Camp Dennison, Symmes township, Hamilton county, Ohio; am an attorney-at-law.

Q. What do you know of illegal voting at the October election, 1876?

A. Of my own knowledge I know of but two illegal votes at our polls in Camp Dennison. They were cast by Stewart Terwillagen and Frank Cozins. I know that Stewart Terwillagen lived with his family in Clermont county until the 13th day of September, 1876, when he moved to this county. Frank Cozins resided in Cincinnati until ten days before the October election, when he came to Camp Dennison for the purpose of teaching school. He was a single man, and is now.

Q. Do you know what ticket they voted?

A. I know that both were members of a Republican club; both electioneered for the Republican ticket on that day, and I heard them both say that they voted the Republican ticket on that day. I can further state that I saw the ballots counted on the night of the election, and that there was but one of all the Republicans scratched for Judge of the Common Pleas Court, and that Longworth's name was scratched and Avery's name inserted.

Cross-examination.

Q. Did you vote the Democratic ticket at the October election, and what official position did you hold?

A. I voted the Democratic ticket. I held no official position unless that as a member of the County Executive Committee.

Q. Were you the executive in that precinct where these votes were cast at the October election?

A. I was.

Q. Were you present when they voted and when they were electioneering?

A. I was not present when they voted, but was present during the day, and saw them frequently at and about the polls.

Q. Had you canvassed the precinct, and did you know, prior to the day of election, that they were not entitled to a vote?

A. I had canvassed the precinct, and had the name of every qualified voter in the precinct, and had I been at the polls when they voted I should have challenged the vote. At the November election I challenged Frank Cozins. He was sworn, and his vote rejected by the judges because he had no permanent residence in the township, but was there only for temporary purposes.

Q. How do you reason that Terwillager moved from Clermont county on the 13th of September, 1876?

A. As attorney for Mr. H. Oskamp, from whom he rented near Miamisville, in Clermont county, Ohio. I prepared a notice for him to quit prepartory to bringing a suit of forcible detainer. I know, also, both from him and his landlord in Camp Dennison that he moved into Camp Denison on that day. His house is in sight of mine. I know that it was vacant immediately before the 13th, and that it was occupied when I got home on the night of the 13th. I was interested then in knowing the fact, because of my being

attorney for his landlord, and the date and circumstance became fixed in my memory when I found that he had voted.

Q. When did Cozins begin teaching school in your precinct?

A. I think the school opened on the first Monday in October. He came there and engaged board on the Sunday before. I heard him say that he told the judges when he offered his vote that he had only been in the township ten days.

Q. Have you taken any steps to arrest these men for illegal voting? and if so, state what they were?

A. Warrants were sworn out before General Hooper, United States Commissioner, and the Commissioner notified me that the United States District Attorney, General Bateman, desired to speak to me about the cases. I went to see General Bateman, and he told me that he was satisfied the parties did not commit the crime of illegal voting intentionally; and that, as he did not wish to use the United States Courts except in cases of repeating, or intentional violations of the law, he had ordered the United States Marshal to return the warrants. The warrrant for Mr. Cozins was sent to him by mail.

Q. Is there not now an application pending before the Common Pleas Judges of this county to disbar you from practice as an attorney-at-law?

A. There was such an application made, the relator claiming that I owed him $25. I have filed my plea, showing him to be indebted to me for services in different suits and examinations of records. I have been ready with my witnesses, and anxious for a hearing, ever since I first learned of the application. The relator is James S. Gordon. The application will be called up to-morrow morning before Judge Avery, if I can possibly get a hearing.

Q. Is the applicant, James S. Gordon, the late member of the Ohio Legislature?

A. He was in the House of Representatives four years ago. Afterwards was a candidate before the Democratic State Convention for Secretary of State. Then was a candidate for Representative, and defeated. He now claims to be a correspondent of the "New York World."

Q. Have you ever been indicted for any offense, or violation of law, by the Grand Jury of Hamilton county, Ohio? If so, state upon what charge.

A. Never, upon any charge.

Q. Have you ever been bound over to appear before any grand jury in Ohio, or indicted by any such jury?

A. Never.

Q. Did you see the names of Terwillarger and Cozins on the poll-book of the October, 1876, election, in Camp Dennison precinct?

A. I did.

NAT. C. McLEAN.

John Dillon Spellman, being first duly sworn to testify the truth, the whole truth, and nothing but the truth, testified as follows:

Q. State your name, age, residence, and occupation.

A. My name is John Dillon Spellman; my age is twenty-seven last October; 140 West Ninth is my residence; am a moulder by trade.

Q. State all you know regarding the polling of colored votes in the Ninth Ward at the October election, 1876; and what part you took in said election, and where.

A. There was a plat drawn of the ward and blocked off, and the members of the Ninth Ward Tilden and Hendricks Club took as many blocks as they thought they could canvass. The two blocks bounded by Walnut, Vine, Fifth, and Seventh were taken by

John Sylvestian, and I helped to get the names of the voters. There was a nigger took the names of the voters of Lodge and Gano alleys, and Sylvestian and I took the main streets.

Q. Did you poll the Crawford House? and if so, how many did you find living there.

A. No, I did not.

Q. Were you present at the polls on election day, October 10th, 1876? and if so, where? how continuously, and how near the polling stand?

A. I was one of the challenging committee at the first precinct of the Ninth Ward; I was there all day, except when I went to my dinner.

Q. How many persons did you challenge, if you know?

A. We challenged every nigger that came up there, and I do not know how many white men.

Q. Of the negro voters challenged at said election, state how many gave their place of residence as the Crawford House, if you know?

A. I don't know exactly, but there were between fifteen and twenty-five. I am pretty confident there were between eighteen and twenty.

Q. Have you since learned how many actually lived at the Crawford House at that time? and if so, how many?

A. Some body got a list of the niggers employed at the Crawford House between the October and November election, and there was nine on the list.

J. D. SPELMAN.

Further taking of these depositions continued Saturday, February 17, 1877.

SATURDAY, February 17, 1877.

George Britton, of lawful age, being duly sworn, deposes as follows:

A. State your name, age, residence, and occupation.

A. My name is George Britton; am twenty-seven years of age; reside at 87 East Fifth street, Cincinnati, Ohio, and am cash clerk of the County Clerk's office.

Q. Where were you on the 10th day of October, 1876?

A. First precinct of the Fifth Ward.

Q. What time did you go there, how long did you remain there, and what were you engaged in?

A. I went there about seven o'clock A.M., remained for about half an hour, and returned again between ten and eleven o'clock, and remained there the balance of the day, with the exception of about one-half hour at dinner time; was soliciting votes, and served as one of the challenging committee.

Q. What do you know, if any thing, in relation to colored persons voting at said precinct on that day who claimed to reside at No. 10 McAllister street? State fully all you may know about it, their names if you are able to give them, and the number that voted from that house.

A. To the best of my knowledge there were about eight or ten. I can not give their names. I know there were from eight to ten colored persons from No. 10 McAllister street who voted at the first precinct, Fifth Ward.

Cross-examination.

Q. State whether or not you are an appointee of Lewis G. Bernard, who now claims

to hold the office of County Clerk, and whose position is now contested by Philip Kiebborth?

A. I am.

Q. Were you at the Fifth Ward polls all day?

A. I was there from about seven o'clock to half-past seven o'clock, returned between ten and eleven o'clock, and remained the balance of the day except dinner hour—might have been probably half an hour.

Q. How many persons were there that day acting as members of rallying or challenging committees for the Democratic party?

A. I believe there were about four, to the best of my knowledge.

Q. Were there not really about twenty?

A. There may have been; I can't exactly state whether there was or not.

Q. Were you a member of any committee that day, or acting as such?

A. I was a member of both committees, rallying and challenging committees.

Q. Are you acquainted with McAllister street?

A. Yes, sir.

Q. What hour or hours during the day were those votes cast?

A. To the best of my knowledge, between the forenoon and the afternoon.

Q. Didn't it surprise you when you found three or four men all offering to vote, and all giving their residence in a small house on McAllister street?

A. Yes, sir; it did.

Q. I suppose you were more surprised when you heard six or seven all announce their same residence in the same small building?

A. Yes, sir.

Q. How far was McAllister street from the voting place?

A. Between two or three squares.

Q. Is it more than one? Is it as much as six hundred feet from the polling place to No. 10 McAllister street?

A. I should think it is more than one. Can't say exactly as to the number of feet.

Q. Would it not have been a perfectly easy matter for you to go, or send one of the large numbers of persons there, to investigate as to No. 10, especially as the third and fourth votes from that place surprised you so much?

A. Yes, sir, it would have been very easy.

Q. Why didn't you go, or send, when the fourth, or fifth, or sixth, or any time before the tenth vote, was cast?

A. I suppose it was because we never thought of it.

Q. How could you help thinking of it, especially when each colored voter who presented himself was challenged?

A. I never thought of going to examine in regard to the matter.

Q. I suppose if they had cast three or four hundred votes from that house, you would have taken them in, would you, or, rather, permitted them to go in?

A. I could not prevent them going in, so long as the judges took them.

Q. You had two Democratic judges, had you not, to one Republican?

A. Yes, sir.

GEO. BRITTON.

Witness, after an absence, returned.

I desire to correct my answer to last question. We had only one Democratic judge, to two Republican judges.

GEO. BRITTON.

Amos Hill, of lawful age, being duly sworn, deposes as follows:

Q. State your name, age, residence and occupation.

A. My name is Amos Hill; am thirty years of age; reside at Norwood, Columbia township, Hamilton county, Ohio; I follow teaming.

Q. In what precinct of Columbia township is Norwood? Where is the voting place in that precinct? Were you present at that precinct at the October election, 1876? If so, how long were you there, and what were you doing, on that day, at said precinct?

A. Norwood is in the western precinct of Columbia township; voting place is at Pleasant Ridge. I was present at that precinct, at the October election, part of the day. I was there from 8 A.M., until about 2 P.M. I was looking on; was not doing anything.

Q. State, if you know, what votes were cast at that poll, on that day, by any person or persons who were non-residents of that precinct or township, or otherwise disqualified as voters. State fully all you know about it.

A. I think we had about four illegal votes. I don't know but one of them. His name is Charles Clark. I don't think he is competent to vote, from the fact that he is not in his right mind. Three of them were in their right mind. Two of those men were colored; the other was a German. The two colored men were not residents of that precinct; hadn't been there long enough, I think. The vote of the German was challenged. He stated that he had his papers; said they were in the city; so some of them had him brought in and sworn. He swore that he had his papers, and would bring them the next day, and didn't do it.

Q. Do you know the two colored persons who voted? and how do you know that they have not been residents of the precinct a sufficient length of time to qualify them as voters?

A. I don't know the two colored persons who voted. The reason why I think they were not qualified, I know almost every person there, and never saw those two men until that day.

Q. Were their votes challenged?

A. One of them only.

Q. Did he state where he resided?

A. He claimed to be a resident of Pleasant Ridge.

Q. How far from Pleasant Ridge do you reside?

A. One mile.

Q. Are you sufficiently acquainted with the citizens of Pleasant Ridge to have known this man, had he been a resident thereof?

A. I think I would.

Q. Has this person been about Pleasant Ridge since that time?

A. No, sir.

Q. What efforts, if any, have you made since the election to ascertain the residence of these two colored voters?

A. Not any.

Q. State if you know what ticket these four persons voted.

A. Three of them voted the Republican ticket.

Q. Which three?

A. The two colored men and the American white man.

Q. What ticket did the German vote?

A. That is more than I can say. I saw his ticket, but would n't be sure what it was.

Q. How do you know the other three voted the Republican ticket?

A. Because I saw them take their ticket and fold it, and hand it in.

Q. Were any names on the three tickets of which you speak scratched?

A. I could n't say as to that.

Q. Were the tickets they voted taken from a bunch of Republican tickets?

A. No, sir; they were handed to them by Republicans.

Q. You say that Charles Clark, in your opinion, was not competent to vote, from the fact that he is not in his right mind: how long have you known Charles Clark? and what is the condition of the man that leads you to think that he is not in his right mind?

A. I have known Charles Clark about five years; he has been sick ever since I have known him. If you give him five dollars, he imagines that he can buy a farm. If a girl tell him she will marry him, he believes it. He has never voted there before, and would n't have voted this time if he had n't been forced to. He never walked in his life; has never done any business. He is perfectly helpless, so far as his body is concerned, and almost in mind.

Q. State whether he has sufficient mind to know or distinguish what is right or wrong and what judgment, if any, has he?

A. I don't think he has sufficient mind to distinguish what is right or wrong; he has but very little judgment.

Cross-examination.

Q. How do you know that the two colored men were illegal voters?

A. Because I had never seen them around there before the day of election, and as soon as they voted they took their carpet-sack and "lit out."

Q. Who examined the one who was challenged?

A. The judges. One of them was Thomas Clagg the other, I think, was Frank Langdon.

Q. Was the person challenged subjected to an examination as to his right to vote? And did the Democratic judge consent to take his vote?

A. I think he was. The Democratic judge consented to take his vote after he swore to it.

Q. When you say they "lit out," what do you mean?

A. I mean to say that they took their carpet-bag and away they went—that was the last that was seen of them.

Q. Did the one who was challenged state where he resided, and the length of time he resided in the precinct, township, county, and State?

A. He did, but I am not right sure about it; I didn't listen what he said about it.

Q. Then you are to testify to what you suspect or think, to your own unsupported suspicion, are you not?

A. I didn't hear him give in his statement at all. That is just my idea. I was satisfied that he had no right to vote. I know every body in the precinct.

Q. Who is this American of whom you have spoken? And how do you know he is not a legal voter?

A. His name is Charles Clark; for the reasons already stated.

Q. State whether or not he is a resident of that precinct, and if he is twenty-one years of age.

A. He is a resident of that precinct, and is over twenty-one years of age.

Q. Did your statement in regard to the marrying question relate exclusively to leap-year? And is it not a fact that it is the universal custom of the unmarried ladies of

Columbia township to ask, beg, pray, cajole, beseech, implore, insist, and actually to "bull-doze" into marrying them every widower, old bachelor, and single men generally, whenever leap-year arrives? And is it not a fact that such a system of terrorism prevails in that township on this subject that whenever an unmarried woman asks a single man to marry her that he not only thinks that she meant it, but that his only path of safety is in complying with the demand?

A. They never ask them without they get in a family way, and they are bound to.

AMOS HILL.

C. A. Zimmerman, of lawful age, being sworn, deposes as follows:

Q. State your name, age, residence, and occupation.

A. My name is C. A. Zimmerman; am twenty-six years of age; reside at 352 Main street; am a saloon keeper.

Q. Where were you on the 10th day of October, 1876? and what were you doing during the day?

A. I was at the Sixth Ward, Second Precinct polls, and was holding Democratic tickets.

Q. What time did you go there, and what time did you leave?

A. I went there about half-past five A.M.; I was there all day, with the exception of about three-quarters of an hour during the day at different times; I stayed there until the votes were counted.

Q. What length of time, if any, were you absent from the polls between half-past five in the morning and twelve o'clock, noon?

A. Probably fifteen or twenty minutes, between ten and twelve.

Q. Were you absent at any time between half-past five in the morning and ten o'clock that day?

A. No, sir.

Q. Are you acquainted with Eph. Holland?

A. I am.

Q. How long have you known him, and how well acquainted with him are you?

A. I have known him for several years; I know him so well that I can't be mistaken when I see him.

Q. State whether Ephraim Holland was at that precinct on that day between the hours of six and ten A.M.

A. He was not there.

Q. Were you in a position, could he have been there that day between those hours, without your knowledge?

A. He could not have been there without I would have seen him.

Q. How long have you resided in the Ward?

A. It was one year last August.

Q. Were you acquainted with the persons who voted there between the hours of six and ten A.M.?

A. There was but a few, probably, that I did not know.

Q. State whether strangers, non-residents of the ward, to the number of eighteen, voted in a body, one after another, at that precinct, between the hours of six and ten A.M.?

A. They did not.

Q. How long have you been doing business in that ward, and how well acquainted are you with the residents of that ward?

A. I have been in the wholesale liquor business for five years, or more, in that precinct, Sixth Ward, and there are but few I do not know.

Cross-examination.

Q. How near are the polls of the Second Precinct to your saloon?

A. Half a square, about.

Q. Do you reside with your family at the same premises where you keep your saloon?

A. I do.

Q. State whether your saloon was open either in front or by a door at the rear of your premises on election day?

A. I decline to answer that question.

Q. What time did you go to breakfast that morning?

A. I had coffee before I left.

Q. What time did you go to lunch that morning?

A. I don't remember eating any lunch that day.

Q. What position did you hold, if any, at the polls on the 10th day of October?

A. I am Democratic Executive Committee man for that precinct.

Q. How near were you to the polls from the time they opened until eleven o'clock of that day?

A. Within thirty feet, or less.

Q. What portion of the time were you absent from the polls that day? Please state as near as you can between what hours.

A. Between the hours of ten A.M. and six P.M.

Q. Please state between what hours and as near the time between the time the polls opened and ten o'clock, you were away from the polls.

A. I wasn't away at all between that time.

Q. You stated in your direct examination that you knew Mr. Ephraim Holland for several years; please describe his complexion, his height, and about his weight, and kind of whiskers or moustache he wore.

A. He was light complected, about five foot seven or eight inches high, don't believe he is any taller, weighs about one hundred and forty pounds; when I last saw him he had a light moustache.

Q. You stated in your direct examination that no non-resident of the ward or precinct voted between the hours of six and ten o'clock, on the morning of the October election; might they not have voted while you were on the corner, or away from the polls?

A. I did not state that. They did not vote between the hours of six and ten A. M.

C. A. ZIMMERMAN.

I, John B. Boutte, a Notary Public in and for the county and statn above named, duly commissioned and qualified, do hereby certify that the above named Charles S. Hundson, James C. Johns, John Hatch, A. J. Benson, William J. Strong, N. C. McLean, John Dillon Spelman, George Britton, Amos Hill, and C. A. Zimmerman, by me first severally sworn to testify the truth, the whole truth, and nothing but the truth, and that the depositions by him subscribed as above set forth were reduced to writing by me; that I am not interested in the suit; and in the presence of witnesses respectively, and were subscribed by the said witnesses in my presence, and were taken at the time and place in the annexed notice specified, and were continued from day to day as set forth; that I am not counsel, attorney, or relative of either party, or otherwise interested in the event of this contest.

In testimony whereof I have hereunto set my hand and official seal this 17th day of February, A. D. 1877.

JOHN B. BOUTET.

[SEAL.] *Notary Public, Hamilton County, Ohio.*

Deposition of sundry witnesses taken before me, John B. Boutet, a Notary Public in and for the county of Hamilton, in the State of Ohio, pursuant to the annexed notice, and at the time and place therein specified to be read in evidence on behalf of the contestee in an action pending in the Senate of the State of Ohio, in which Joseph Cox is contestant and Judson Harmon contestee, Moses F. Wilson, Esq., being present on behalf of contestee, and T. C. Campbell, Esq., on behalf of contestant.

Charles Davis, of lawful age, being by me first duly affirmed, deposeth and saith as follows:

Question by Moses F. Wilson. State your name, residence, and occupation.

A. My name is Charles Davis; reside on West Eighth street in the city of Cincinnati, Ohio; am a physician.

Q. State whether or not you were in the city last October election.

A. I was.

Q. State whether or not you were at any of the election polls in any ward in the city on election day. If so, where, and how long were you there?

A. I was at the polls in the Second precinct, Twenty-first ward, from fifteen minutes to six in the morning to six in the evening, except from three-quarters to an hour in the afternoon between one and two o'clock.

Q. State whether or not you are acquainted with one Charles Lee, a colored man.

A. I am.

Q. For how long a time have you been acquainted with him?

A. Known him since March, 1876.

Q. State whether or not you had any conversation with Lee after the October election in reference to his voting at that election. If so, state what that conversation was.

(Objected to.)

A. Yes, sir, I had. He told me that he lived on West Richmond street. I forget the number of his house; that he voted the straight Republican ticket, and that he had voted before; and also that he had voted at the November election. I wanted to know how he could vote at all, when he had not been in the State a year. He replied that nobody had ever asked him any questions; that he had moved from Kentucky, about ten or twelve miles back, near the Kentucky Central Railroad; that he had moved into this city some time in March, 1876, and voted at the spring election, and nobody asked him any questions, as he was a married man; that was the reason why he voted. During my acquaintance he had a wife and one child.

Q. State whether or not you are acquainted with William Taylor, a colored man.

A. I am.

Q. State whether or not after the October election you had a conversation with him in reference to his voting at that election. If so, state what that conversation was.

(Objected to.)

A. Yes, sir, I had, on or about the first of November. I met him on Seventh street, near Plum. I had a long talk with him about the election, and about his voting. He told me he was stopping in the Seventeenth ward. I forget the number of the house. In regard to the conversation about the election, he told me that he had come from New Orleans, on a visit, and that he arrived here about the first of October, and had intended

staying until after the November election. I asked him if he voted in the October election, and for whom. He said he did n't know the men, but he voted the straight Republican ticket, and would vote again in November. I asked why he would cast his vote here when he was not a citizen? His reply was that a steamboatman had a right to vote wherever he landed. Being acquainted with him for some ten or fifteen years, I knew he lived in New Orleans. I saw him a day or two before the November election, and talked to him about the election. He said he intended to do all he could for Hayes. I have not seen or heard from him since.

Q. State whether or not you know two white men named John Coleman and William Coleman.

A. I do.

Q. Did they vote at the October election? If so, where?

A. They did; at the Twenty-first ward, second precinct.

Q. State, if you know, what ticket they voted.

A. The Republican ticket.

Q. Are they married or single?

A. Single.

Q. How long had they lived in the Twenty-first ward prior to the October election?

(Objected to.)

A. I am under the impression that they did not live there at all. I think that the father moved in the ward the first or second day of October.

Q. State whether or not since the October election you have made any inquiries as to the residence of the two Colemans in the Twenty-first ward at the time of the October election. If so, state what was the result of your inquiry.

(Objected to.)

A. I did. They were working in Mr. Ives's lumber yard, Twenty-first ward, last summer. They brought their meals from home. They lived with their father, on Gest street, I believe, in the Twentieth ward. Their father, Thomas Coleman, moving to the Twenty-first ward. They moved with their father, and live with him now.

Q. State, if you know, when the father moved into the Twenty-first ward.

A. On or about the second day of October.

Q. State whether or not you know one Nelson Barrett.

A. I do.

Q. Did he vote at the October election? If so, where, and what ticket?

A. He voted in the Twenty-first ward, second precinct, the straight Republican ticket.

Q. State whether or not you had any conversation with Barrett about his residence in the Twenty-first ward? If so, state what that conversation was.

(Objected to.)

A. I did several times. In conversation he told me he was a married man and living with his mother some place in the center of the town; that he and his wife had parted. He was then running on the Eighth street railroad line. Being in conversation with him nearly every day, he told me he was going to vote the straight Republican ticket; that he would not only vote the Republican ticket, but that he would have a handful of tickets and work for the party all day. I did not learn whereabout he voted at the time; a few days before the election, some time about the 1st of October, that he was sick and off the road. The proprietors of the road told me he was up home sick. In two or three days he came out again, and told me he had been sick. On the day of election—the 10th of October—he came to the engine-house to the polls with his hand full of Republican tickets; swore that he was a married man, and that he had brought his

wife down to the Twenty-first ward. That was contradicted. He was challenged and threatened of arrest, and left the polls and did not work any longer for the party. I investigated the matter, and believe he had no wife in the ward.

Cross-examination.

Q. How long have you lived in this State?
A. Since September, 1875.
Q. Where did you come from to this State?
A. From Kentucky, across the river.
Q. Were you formerly a slave?
A. Served about twenty-seven or eight years.
Q. You say you are a physician. What do you mean by that?
A. I mean M.D.
Q. Are you not just generally known as a corn doctor?
A. I am not, sir. Never treated a corn in my life.
Q. Who was formerly your master in Kentucky, and where did he live?
A. A man named John Robinson; lived in Mason county, Kentucky.
Q. Did you accompany Democratic speakers through this county last fall for the purpose of inducing colored people to vote the Democratic ticket?
A. No, sir; I went of my own free will and accord, for the success of the Democratic party.
Q. Did you see Charles Lee vote?
A. I did not.
Q. Do you know what ward West Richmond street is in?
A. In the Twentieth ward.
Q. Is not the western part of Richmond street in the Twenty-first ward?
A. No, sir; it is in the Twentieth ward.
Q. Do you mean to say that no part of Richmond street is in the Twenty-first ward?
A. No, sir; I do not mean to say so.
Q. Do you know where on West Richmond street he lives?
A. He told me the number of his house; I think between Freeman and Carr.
Q. How long have you been acquainted with William Taylor? and what has his business been?
A. Known him ever since 1860. He generally works around hotels and steamboats.
Q. Do you know where his residence was at the date of last election?
A. He told me that he was living in New Orleans since him and his wife had parted.
Q. Did he also tell you that he was a steamboat man still?
A. He did.
Q. You say that you made inquiries—searched about after the Coleman's. Who paid you for your services? and how do you know they voted the straight Republican ticket?
A. My services were gratis, for the success of the Democratic ticket. I know they voted the Republican ticket because I saw the Republican tickets in their hands when they were challenged. I saw them vote.
Q. You say they were investigated; were they examined as to their right to vote, and did the judges of election accept their vote after such investigation?
A. They were challenged; the judge, being Republican, undoubtedly accepted their vote.
Q. Who was the judge?
A. I know his face but can't recall his name.

Q. Did they all vote at the same time?

A. Not exactly; don't remember exactly as to the time.

Q. Was it the same person challenged all of them?

A. I think not.

Q. Did you see all of them vote?

A. I did; I saw the tickets; they were all Republican tickets; they said they voted the Republican ticket.

Q. When and where did the Colemans talk to you about it? what did they say? State the conversation fully.

A. They never talked to me directly on the subject.

Q. To whom did they talk on the subject, and did you hear them talk to any person?

A. They talked generally to the crowd at the polls, when challenged as to whether they had a right to vote or not.

Q. Was there one or two judges present at the time they were challenged?

A. What I deem as a judge is the person who swears all the persons who are challenged, and there was only one man who did it.

Q. Do you mean to say that there was only one person swore those who were challenged at that precinct at the October election?

A. One man swore the parties in, and asked the necessary questions at the window.

Q. How many judges of the election at that poll on the 10th of October, 1876?

A. I don't know how many there was; there were two men who received the tickets besides the one who swore the persons.

Q. Do you not know that there were three judges at that poll, and were not two of them Democrats?

A. Yes, there were three judges; however, if there was three judges, one special member, who was said to be a Republican, was the one that swore each man when challenged, and asked the necessary questions. I think their politics were Democratic.

Q. Why did you say that the judge being a Republican, Coleman's vote was taken, when there were three judges, two of whom were Democrats?

A. Don't know a special reason.

Q. Why do you swear to a statement when you are not able to give a reason?

A. Didn't swear to any such statement, because I don't swear at all.

Q. Did you make such a statement during the course of this examination?

A. I don't know what you mean.

Q. I have now read to you all of question 28, and the succeeding answers and questions, and I now repeat my previous question, which is this: Why did you state that the Colemans' vote was accepted because the judge was a Republican, knowing as you now state you do, that there were three judges, two of whom were Democrats?

A. I suppose, from a common-sense reason, that he was set apart to swear and ask all necessary questions to any voter that might be challenged; it was clear in my mind that he did endeavor to over-rule, and did accept these votes after they being challenged.

DR. C. DAVIS.

Michael Walsh, of lawful age, being by me first duly sworn, deposes and says as follows:

Question by C. W. Cowan, Esq.: State your name, age, and place of residence.

A. My name is Michael Welsh; am thirty-seven years of age; reside at 123 East Fifth street, Fifth ward.

Q. How long have you been a resident of that ward?

A. Since March, 1853, except when I was in the army, and one year in the old Thirteenth ward. I moved into the Thirteenth ward in July, 1865, and remained there very nearly a year, and moved back into what is now known as the Fifth ward.

Q. What has been your occupation for the last eight or ten years?

A. I went on the police force on the 1st day of May, 1865; was discharged on the 1st day of June, 1871. I was twice elected constable of the Fifth ward since then. I was present am interested in a saloon at 302 Central avenue.
appointed by the mayor in May, 1873, as acting lieutenant, and was afterwards appointed as one of the captains of police, and continued as such until April, 1876. At

Q. What portion of the city was assigned to you as your "beat" when you were a policeman?

A. From the 1st day of May, 1865, until the 13th day of June, 1865, I run from Main to Culbert street, Thirteenth ward. From the 13th day of June, 1865, until the 1st day of June, 1871, I was what is called a special, on Fourth and Vine, or Fourth and Walnut.

Q. Where were you at the October election, 1876?

A. At the north-west corner of Third and Lawrence streets, at Fifth Ward polls, First precinct. I got there between seven and eight o'clock in the morning, and remained there, with the exception of about one-half hour, all day, until the closing of the polls.

Q. What position did you occupy, if any, during the day, and how close were you to the place where the tickets were received?

A. I occupied the position as one of the challenging committee during the day. I was never more than four feet from the place the tickets were received, and was not absent more than five minutes at a time, with the exception of the time that I went to dinner.

Q. State what you know, if any thing, of persons voting at that precinct on that day who were non-residents of the ward.

A. I know nothing more than that I challenged the votes of ten persons who swore that they resided at No. 10 McAllister street, which house was at that time vacant.

Q. State whether you are well acquainted with the premises known as No. 10 McAllister street, how long you had been acquainted with it, and whether the same had been occupied by any person on the day of the election, or at any time previous thereto for the purposes of living therein.

A. I am acquainted with the premises No. 10 McAllister street for twenty years or more. I didn't see the house on the day of election at all, but I took occasion to visit it next day, and found it vacant. It might have been occupied previous thereto, as far as I know.

Q. State, if you know, whether that house has been occupied by any person thirty days previous to the day of election.

A. Of my own knowledge, I do not.

Q. State whether the persons that you challenged voted on that day.

A. They did.

Q. Did you see the ticket they voted on that day?

A. I think I saw nearly all the tickets voted by those men whom I challenged on that day.

Q. What ticket did they vote?

A. They voted the straight Republican ticket.

Q. State, if you can, the names of the persons on that ticket as candidates for Judge of the Court of Common Pleas.

A. Mr. Nicholas Longworth, Joseph Cox.

Q. State whether the ten persons you refer to were or had been residents of that precinct or ward twenty days prior to the day of election.

A. Not to my knowledge.

Q. Were you sufficiently acquainted with the premises they described as their residence to know them if they had been actual residents of the ward?

A. I have lived in the neighborhood for twenty years or over. There is scarcely a vote on the square that I don't know.

Q. State whether you had ever seen any of these men prior to the day of election.

A. Can't say that I did.

Q. State whether you have ever seen any of them since the day of election, either at No. 10 McAllister street or at any other place in the ward.

A. I can't say that I did.

Q. State whether you have made any efforts immediately or soon after the election to ascertain whether they were residents of the ward on the day of election or not; and if so, what was the result of your investigation.

A. I did not think so many persons lived in such a small house; did not think so many persons could reside there; took occasion next day after the election to visit it; found a bill on the house marked "For rent."

Q. Describe the house, the size of it, and the number of rooms.

A. The house is a small frame, east side of McAllister, No. 10, two stories high; to the best of my knowledge about fifteen feet front; number of rooms I can't say; about fifty feet deep.

Q. State, if you know, whether any portion of it was occupied on the day after the election; if so, by whom?

A. The house was entirely unoccupied the day after the election, for the reason that the blinds and doors were closed, and a bill on the outside marked "For rent."

Q. State, if you know, whether any questions were asked these persons by the judges of the election or the person who examined them as to whether they were married or single. If so, what answer did they make to such questions?

A. Can't answer that question. I don't recollect whether they were asked the question whether they were single or married.

Q. State, if you know, how long they stated they resided at No. 10 McAllister street.

A. Can't say that they made any statement as to the length of time; in fact a great many of them claimed to be river men.

Q. Who were the judges of the election on that day at the First precinct, Fifth ward, and who were the clerks?

A. The judges were John W. Herron, Thomas Foster, and Phillip Carrigan; the clerks I don't recollect their names.

Q. Were any marks put opposite to their names on the poll-books showing that they had been challenged or not?

A. I can't say that there was. I wanted that the words "challenged" and "colored" be placed opposite their names, but don't think the word colored was put down.

Q. State, if you know, of any other illegal voting at that precinct, or at any other precinct in the city of Cincinnati, on that day.

A. Of my own knowledge I do not.

Cross-examination.

Q. Can you give the names of any of the parties you say you challenged?

A. No, not now I can't. I did have the names, but have mislaid them.

Q. When did you make the said memoranda, and when did you last see it?

A. I made the memoranda on the election day; haven't seen it since the day after the election.

Q. Did you destroy it?

A. No, I did not. I think I mislaid it some where and can not findit. I did not think I would be called in this matter until this afternoon, which was the first intimation I had of it.

Q. You take a lively interest in politics, do you not?

A. I have been in politics since 1865, more or less.

Q. Did you not hear that there was to be a contest, and did you not know that a memoranda containing the names of ten Republican illegal voters would be valuable to your side?

A. I knew there was a contest between Mr. Cox and Mr. Harmon. I read it through the press. I was never approached by any body, never asked what I knew, until served with a subpœna this afternoon.

Q. Don't you know that the momoranda was and would have been valuable?

A. I have no doubt it would. I took the memoranda on the back of one of the tickets that I held in my hand, and must have dropped it when the polls closed.

Q. But you have stated that you had it the next day after the day of election. How do you account for that?

A. I may have had it and may not. I won't be positive on that point.

Q. Did you write the names yourself?

A. I did.

Q. Can not you remember a single name that you so wrote?

A. I can not.

Q. Have you seen any of the persons since?

A. Not to my knowledge.

Q. Do you know of any instance in which the voter was challenged in which a memorandum was not made, as to the fact that the vote was challenged or sworn, on the poll-book or tally-sheet?

A. I don't know. I wasn't where the clerks were, and couldn't tell whether they did or not.

Q. How many of the ten you say you challenged had their tickets folded?

A. I can safely say one-half had their tickets open.

Q. Did all of the ten persons vote one after another, or were they scattered, at intervals during the day?

A. They were scattered at intervals throughout the day.

Q. About what hour did the first of the ten vote?

A. I think between nine and ten.

Q. How many of the ten voted during the forenoon?

A. I don't think there was over three.

Q. How many voted between four and six o'clock?

A. Can't answer that question; didn't keep a memoranda as to the hour; may be two, or three, or more.

Q. Were the residences given by any of the voters on the tally-sheet?

A. I can't say; never saw the tally-sheet after that day, at least I never took notice of it.

Adjourned to meet at 11 o'clock A. M. February 9, 1877.

Q. Did it excite any suspicion in your mind to find ten men, each of whom you thought sufficient by suspicion to challenge, all giving the same residence?

A. I didn't say there was ten—I said on or about ten. It excited my suspicion in this manner, that I didn't think there was that many colored voters residing in one house on that square that I did not know.

Q. How many persons were present as Democratic rallying and challenging committees?

A. I don't know. On the challenging committee and rallying committee there may be as many as fifteen to twenty during the day; don't say there was that many at any one time through the day. There were three pretty conspicuous members on the challenging committee.

Q. Did you not know that there was a liberal reward offered for the arrest of illegal voters at that election? and did not your long experience as a policeman and commanding officer of police, or captain of police, give you unusual facilities to arrest those men or any others whom you suspected of violating the law?

A. I believe there was, as usual, a reward of five hundred dollars offered for the arrest of illegal voters, although I don't recollect whether there was such a reward offered on that day. I was not a daily member of the police force, nor never knew a man to get the reward after he had any body arrested and convicted; but I did intend to look the matter up, but lost the memoranda of names that I had.

Q. Would it not have been an easy matter for you to have sent from the voting place to McAllister street so soon as your suspicions were aroused?

A. It would.

Q. Why didn't you do so, then?

A. My object in not doing so was, nearly all of those men swore their votes in, and if they were entitled to a vote I didn't wish to bother them.

Q. But you say you suspected them—would it not have been an easy matter to verify your suspicions by sending to the house?

A. It would have been very easy, if I had not been so busy, and didn't think of the matter at the time.

Q. You say you did think of it at the time; you say you suspected them?

A. My answer is, I suspected they were illegal voters at that time—the time of voting—the 10th day of October—at that first precinct, Fifth Ward.

Q. You say you were gone an hour at dinner time—could you not then have looked at this house, or could you not have sent, at any hour during the day, some one to investigate it?

A. I could have done it, but I thought I would investigate the matter myself.

Q. Do you mean to say that you first would let the illegal votes be cast, and then investigate afterwards?

A. No, sir, I don't. When a man swears to his vote I can't say it is illegal.

Q. But you say you suspected this party from McAllister street—would it not have been easy to have verified the matter before permitting them to vote?

A. When they swore their votes in the judges took them, and I had no control over their action.

Q. You say the votes came in at intervals during the day—could you not easily have prevented all but the first few votes, by simply investigating the matter?

A. As I said before, I was pretty busy, and had intended to investigate the matter myself, having taken a list of names.

Q. Again I ask, could yould you not have sent, or gone yourself at dinner time, and so prevent the major portion of those men from voting?

A. My answer is this: that I was placed there as one of the challenging committee by the executive committee. The gentleman that took my place during the dinner hour was not as well acquainted with the voters of the precinct as I was. I was consequently in a hurry to get back. I could have sent, but, as I said before, I intended to do it myself.

Q. How far is McAllister street from your voting precinct?

A. It is north-west from the voting place about one square and a half—about six hundred feet to the place where those men alleged they lived.

Re-examination.

Q. Did you take any measures the next morning after the election to ascertain whether these men that voted as you have described, lived at No. 10 McAllister street? and if so, for what purpose did you make the examination?

A. These men were all strangers to me, and I thought if they lived there that I would know some of them. I consequently visited the premises, No. 10 McAllister street, found the door and windows closed, and a bill on the house marked "For rent." I went there for the purpose of ascertaining whether any body lived there or not.

MICHAEL WELSH.

The State of Ohio, County of Hamilton, ss.:

I, John B. Boutet, a Notary Public in and for the county and State above named, duly commissioned and qualified, do hereby certify that the above named Charles Davis and Michael Welsh, by me first severally sworn to testify the truth, the whole truth, and nothing but the truth, and that the depositions by them subscribed as above set forth were reduced to writing by me; that I am not interested in the suit, and in the presence of the witnesses respectively and were subscribed by the said witnesses in my presence, and were taken at the time and place in the annexed notice specified, and were continued from day to day, as above set forth; that I am not counsel, attorney, or relative of either party, or otherwise interested in the event of this contest.

In testimony whereof I have hereunto set my hand and offieial seal this 10th day of February, A. D. 1877.

JOHN B. BOUTET,
Notary Public, Hamilton County, Ohio.

[SEAL.]

A. F. Clark, of lawful age, being duly sworn, testified as follows:

Q. What is your name, residence, and occupation?

A. A. F. Clark; 177 West Third street; am in the liquor and cigar business.

Q. Where were you on the day of the October election?

A. I was judge at the Second Precinct of the Eighth Ward.

Q. Are you acquainted with John Cameron?

A. Have known him for twenty-five years—ever since I was a boy. He resides in the Eighth Ward. I don't know the number of his house. I understand he lived in the Second Precinct.

Q. What precinct were you judge of?

A. The Second—the engine-house.

Q. State whether he voted at the October election.

A. Yes, sir; he votod at the October election, for I took his ticket. He handed me his ticket—an open ticket. It was a Republican ticket.

Q. Can you give the names of any persons who were candidates for judges on that ticket?

A. It was not a scratched ticket—a straight ticket. He handed it to me and I took and folded it up myself.

Cross-examination.

Q. Where is Cameron?

A. Now in the county jail, I believe, under indictment. I seen in the paper he was indicted.

Q. For illegal voting?

A. Voted twice in the Eighth Ward.

A. F. CLARK.

Christopher Devlain, of lawful age, being duly sworn, testified as follows:

Q. What is your name, and where do you reside?

A. Christopher Devlain; I reside at 11 McAllister street. I have resided there about twelve years.

Q. Are you acquainted with the premises known as No. 10 McAllister street? And state whether they were occupied by any one on the 10th of October.

A. Yes. They were not.

Q. Had they been occupied at any time previous to that time, and how long had they been vacant?

A. They had not been occupied at least two months before the October election.

Q. Did you see the premises after the election? If so, state what condition they were in.

A. Yes, sir. They were locked up, the windows broke, and a sign "To rent" on it.

Q. State if you know who owns the premises.

A. I don't.

Q. State if you know who had been living in the premises prior to this.

A. There was a family lived there; the man lived on the river. There lived there before that a family named Matthews—lived up stairs. The last I remember was a man that run on the river.

Q. How long prior to the day of the election had the premises been advertised for rent?

A. They had been advertised at least—I could not say exactly—two months.

Q. How large a place is No. 10 McAllister street?

A. A two-story frame. I don't know about the rooms. I think there are two up stairs and two down stairs. The building is about twenty feet, I suppose, front, about thirty or forty deep—I suppose no more.

Q. What is the lower room in front used for?

A. Well, there is a family living there now—Dr. Carey.

Cross-examination.

Q. Who is Dr. Carey?

A. Corn doctor—negro corn doctor.

John Sparks, of lawful age, being duly sworn, testified as follows:

Q. What is your name, age, residence, and occupation?

A. John Sparks; I live at 594 West Sixth street; am thirty years old; I work at wagon-making; the place where I work is No. 630 Sixth street.

Q. What ward do you reside in?

A. Twenty-first Ward, First Precinct.

Q. Were you at the polls at the election on the 10th of October, 1876?

A. Yes, sir; I was one of the challenging committee.

Q. Are you acquainted with Henry Bisbee?

A. Yes, sir; I have known him somewhere about two years.

Q. Did he vote at that precinct on the 10th af October last?

A. Yes, he did. His vote was challenged and sworn in.

Q. State, if you know, what ticket he voted?

A. He voted the Republican ticket. The man that he works for, Stephens, got the ticket, gave it to him, and told him to vote it. I seen the ticket.

Q. Who challenged him?

A. Benny Robinson.

Q. Was the ticket a straight Republican ticket or a scratched Republican ticket?

A. I didn't see all the names on the ticket; I saw the heading and part of the way down.

Q. Were you in the Police Court at the time Bisbee was bound over to the Grand Jury?

A. Yes; I was one of the witnesses.

Q. Did he take the witness stand in his own behalf?

A. Yes, sir.

Q. State now what statements he made as to his residence when he was witness in the Police Court?

A. He said his wife was about to be confined, and that he went over the river to live with his mother-in-law; that he was trying for several days to rent a house in the Twenty-first Ward, and could not get one. That was the reason he said he had a right to vote.

Q. Did he say how long he had heen living with his mother-in-law in Kentucky?

A. Several weeks. He had been about fourteen months in West Covington.

Q. Is Bisbee now under indictment?

A. Yes, under indictment.

JOHN H. SPARKS.

James Whalen, of lawful age, being duly sworn, testified as follows:

Q. State your name, age, and place of residence.

A. James Whalen; I live at 17 Elm street; twenty-two years of age.

Q. State if you acted in any capacity, at the October election, at the Eighth Ward and First Precinct.

A. Yes, I was judge of the First Precinct and Eighth Ward on the day of the October election.

Q. Do you know John Cameron?

A. Yes, sir.

Q. State whether he voted at the First Precinct of the Eighth Ward.

A. He voted there, to the best of my knowledge, about from 12 to 2.

Q. Do you know where he lives?

A. Yes; to the best of my knowledge, with a party down on Race street, near the river.

JAMES WHALEN.

John Merritt, of lawful age, being duly sworn, testified as follows:

Q. What is your name, age, residence, and occupation?

A. John Merritt; age, twenty; work on the I. and C.-Railroad; I reside on Harriet and Herron streets.

Q. State whether or not you were at the polls of the first precinct, Twenty-first Ward, the last October election.

A. I was at the time.

Q. Are you acquainted with a man of the name of Slew Stephens?

A. No, sir; I know him when I see him.

Q. State whether or not he voted at your precinct on last October election.

A. He voted. I did not see the ticket; could not say whether it was a Republican or Democratic ticket. Never seen the man till that day.

Q. What time was it that he voted?

A. That's more than I can tell.

Q. Are you acquainted with a man named Henry Bisbee?

A. Never seen him till that day. Could not say whether he voted or not. I was away from the window twenty feet; when I got back to the window a policeman had hold of him.

JOHN MERRITT.

L. S. Stevens, of lawful age, being duly sworn, testified as follows:

Q. State your name, age, residence, and occupation.

A. Louis Stevens; age, forty-eight; residence, 17 Harriet street; business, brick-maker.

Q. Were you at the polls of the first precinct of the Twenty-first Ward during the last October election?

A. Yes, sir; I was judge of the election.

Q. Are you acquainted with a man named Henry Bisbee?

A. I know him by sight. He voted.

Q. Was his vote challenged?

A. Challenged and sworn in. He said he was resident of the State one year, the county thirty days, of the ward twenty days.

Q. Were you in the Police Court when his case was tried?

A. Yes, sir.

Q. Did you hear what statements he made in the Police Court when he testified in his own behalf?

A. I could not say; I don't remember.

Q. Do you know a man named Slew Stevens?

A. Yes, sir; I know him by sight.

Q. What is his business?

A. He carries on a saw-mill down here on Sixth street.

Q. Did he vote at the October election?

A. Yes, sir. I don't know what ticket he voted. He is a Republican.

Q. State, if you know, where Mr. Stevens resided at the time of the October election.

A. In Kentucky.

L. S. STEVENS.

Thomas S. Gray, of lawful age, being duly sworn, testified as follows:

Q. State your name, age, and residence.

A. Thomas S. Gray; age, thirty-three; residence, 32 Plum street.

Q. What is your business?

A. Moulder by trade.

Q. At what precinct were you on the day of the last October election?

A. At the first precinct of the Eighth Ward.

Q. Look at the papers now exhibited to you, and state if you have seen them—when, where, and under what circumstances.

A. On the 10th day of October—I don't know the hour—these number of men came up to vote. Some one challenged them. They voted the straight Republican ticket. They were challenged in the presence of three judges; I swore them. One of them stated he was sixty-five years of age, and came to this country a minor. None of them were residents of Cincinnati. Me and the Republican judge come to the conclusion, under the naturalization laws, we darsn't refuse the votes. I asked them, then, to let me have them papers to see; that they could call at my house and get them any time they wanted, and none of them called since. Frank Cislow said he swore to them in in the United States Court. He also voted at the October election. He was challenged. I swore him, and asked him if he was native or naturalized. He said he was naturalized. He was asked to produce his papers, and could not show any. Have never seen him since. That time he kept a saloon on the lower side of Sixth street, Ninth Ward. Don't know whether he lived there.

Cross-examination.

Q. You say you examined these men, and that each of them understood English, and that each made a statement concerning their residence, and that after said statement was made you received their votes?

A. Yes, sir; in presence of the other two judges.

Q. How long did Joseph Scatcheland say he resided?

A. I could not say. I copied their names to get them correct on the poll-book. I know there was not one out of the whole batch of those papers that stated under oath he had a legal residence. The only trouble was, I ought to have had them arrested there and then, but thought I would wait until November.

Q. By Mr. Wilson: What ticket did these men vote?

A. The straight Republicen ticket, handed them by Mr. Cislow.

Q. By Mr. Campbell: How many judges of the election were there?

A. Two Democratic judges and one Republican.

THOS. J. GRAY.

Captain Thomas Ambrose, of lawful age, being duly sworn, testified as follows:

Q. Captain Ambrose, you are clerk of the United States Circuit Court for the Southern District of Ohio?

A. Yes.

Q. Will you state whether certificates of naturalization were granted to Joseph Tortolani, James Lavorica, Joseph Scatcheland, Antonio Jannetto, and Johanna Borrius?

A. Yes.

Q. State who was the witness.

A. The necessary facts were approved by Frank Cislow.

Cross-Examination.

Q. Please examine those five papers that were spoken of by Mr. Gray, the witness who has preceded you, and state whether or not they are naturalization papers regularly and properly issued by competent authority?

A. I will say that these certificates were issued to the several applicants upon complying with the law relating to the naturalization of aliens.

Q. You have stated that you are clerk of the United States District Court for the Southern District of Ohio. Please state if it is any part of your duty to take bonds of parties charged with offenses against the criminal laws of the United States?

A. It is, under the direction of the Court.

Q. State whether or not any persons were indicted since the October election of 1876, and if so, state the names of as many as you now recollect.

A. A number of persons were indicted.

Q. State whether or not among those who were indicted was one James White. If so, what disposition has been made of his case?

A. James White was indicted, and a verdict of guilty returned against him by the jury.

Q. Upon what charge was White convicted?

A. Procuring illegal votes to be cast at the October election.

Q. State whether or not White was admitted to bail during the pendency of his trial?

A. He was.

Q. Who procured bondsmen for him?

A. He was admitted to bail twice; I do not know who procured the bondsmen.

Q. State whether or not you know Judson Harmon, the contestee in this case; and if so, state what part, if any, he took in procuring bond for White.

A. I am acquainted with Judge Harmon. On the occasion of the giving of bail a second time Judge Harmon was in the Clerk's office with others.

Q. State what he said and did on that occasion.

A. Mr. John Hayes was objected by the District Attorney as bondsman, and Judge Harmon remarked that he thought Mr. Hayes was abundantly able to meet the requirements of the bond, and that he thought he was sufficient security. He stated that in any of the other courts that bond would be accepted.

Q. State whether or not he said it was a shame that White was arrested, and that he was not guilty.

A. I don't remember of hearing those words.

Q. State whether or not you are acquainted with William P. Wallace, the acting Sheriff of Hamilton county, and Louis G. Bernard, who claims to be Clerk elect of the same county; and if so, were they present at the time of the giving of bond for White?

A. I am. Mr. Bernard was present. I don't remember seeing Mr. Wallace there.

Q. How frequently did Harmon call with reference to White's matter?

A. I think I remember his being in the office twice.

Q. Do you know how often he called at the District Attorney's office in regard to the same matter?

A. I do not.

Q. Who were White's attorneys?

A. Messrs. Dodds and Wilson.

Q. In Mr. Harmon's several calls did he claim to be acting as White's attorney or his friend?

A. He said nothing to me relative to the matter.

Q. Did he at any time appear for White as an attorney?

A. Not to my knowledge.

Q. Will you be kind enough to prepare a statement of the number of persons who have been indicted for offenses committed against the election laws of the United States

at the last election, together with a statement of what disposal has been made of the several cases, and attach it to this deposition?

A. I will.

(Foregoing questions and answers are objected to on the ground of incompetency.)

THOMAS AMBROSE.

LIST OF PERSONS INDICTED IN THE UNITED STATES CIRCUIT COURT, SOUTHERN DISTRICT OF OHIO, FOR ILLEGAL VOTING AT OCTOBER ELECTION, 1876.

Joseph Fuller; verdict, guilty; not sentenced. E. M. Link; verdict, guilty; not sentenced. F. Lorentz; verdict, guilty: not sentenced. Frank Westjohn; verdict, guilty; not sentenced. Paul Wheaton; verdict, guilty; not sentenced. Thos. Larkin; sentenced one year and one month in Ohio Penitentiary. James O'Brien: sentenced one year and one month in Ohio Penitentiary, Charles Moyer; sentenced one year and one month in Ohio Penitentiary. Robert Fry; sentenced one year and one month in Ohio Penitentiary. Patrick Morrissey; case pending. B. Schumaker; case pending. Hugh Foley; case pending. John Conway (3); case pending. Nicholas Hentz; case pending. Peter Gardner; case pending. John Gaylord; case pending. Charles Young; case pending. D. I. Johnson; case pending. W. Duke Fleming; case pending. Jefferson Howard; case pending. Michael Ryan; case pending. Edward Porter; case pending. Duke Hill; case pending. Thomas O'Meara; case pending. James L. Slevin; nollied. Robert F. Doyle; nollied. Ephraim Holland; for procuring illegal votes; case pending. James White; for procuring illegal votes; verdict, guilty; not sentenced.

Statement from the Record.

Attest: THOS. AMBROSE, *Clerk U. S. C. C., S. D. O.*

[It was agreed by counsel for contestant and contestee that the counts on which James White was convicted were for counseling and procuring one Jack Conway to vote illegally.]

C. W. Ebersole, of lawful age, being duly sworn, testified as follows:

Q. What is your name, age, residence, and occupation.

A. C. W. Ebersole; forty last October; Oakley; man of leisure.

Q. Are you acquainted with one Robert Archibald?

A. Yes, sir; he lives at Oakley; he is a clerk up at the Merchants' Exchange.

Q. Did you ever have any conversation with him in reference to his voting at the October election? and, if so, state what the conversation was.

(Question objected to.)

A. Yes, sir. Well, on the November election, in the presence of six ur eight witnesses, three or four I can find, he said he had voted at the October election, and when he found he was mistaken he had taken out papers, under the advice of Captain Forsker.

Cross-examination

Q. You say you are now a man of leisure; you were formerly an appointee of Mayor Johnson?

A. Yes, sir.

C. W. EBERSOLE.

G. W. Brown, of lawful age, being duly sworn, testified as follows:

Q. State your name, age, residence, and occupation.

A. G. W. Brown; fifty years last November; live in Simms township, Hamilton county; occupation, farming.

Q. State whether or not you are acquainted with a colored man named John Allen.

A. Yes, sir, I am acquainted with him.

Q. How long have you known him?

A. Well, I have not known him a great while; I think it was along since harvest.

Q. State whether or not he voted at the October election, in Simms township, 1876.

A. He told me he had and several others told me he had.

Q. State if you know what ticket he voted.

A. By hearsay; I was told he voted the Republican ticket; I did not see the ticket come out of his hand, but afterwards he told me he voted, and the trustees told me he voted.

Q. Did you ever have any conversation with him about his age?

A. Yes, sir. A while before the election he was helping me to haul rails; asked him how old he was; he said he was twenty-one years old—twenty-one on the first of November.

(Objected to.)

Q. State whether or not you know a man whose first name is George.

A. Yes, sir; he also stayed at the same place with a man named Shavers, who lives on my place.

Q. Did he vote at the October election?

A. Yes, sir.

Q. Did you have any conversation with him about what ticket he voted?

A. Yes, sir; he told me he voted the Republican ticket.

Q. State, if you know, about what length of time he had been in the State.

A. He told me before the election that he had come into the State about the first of June. I told him he could not vote then at this fall election, and would not be able to vote at the spring election; that he would have to be here a year before he voted.

Q. Was his vote challenged at the October election?

A. No, sir.

Q. Was it challenge d at the November election?

A. Yes, sir.

Q. Was it admitted or rejected?

A. Rejected. There were no questions asked him at the October election, he just went up and voted, some parties with him said these men were all right, to the trustees and they took the vote in.

Cross-examination.

Q. You did not see him vote, you say?

A. No, sir; I didn't see the ticket going out of his hand.

Q. You knew nothing about it except being told by others?

A. And by themselves.

Q. If he did vote you don't know that he voted for Judge Cox, do you?

A. Well, he told me he voted the Republican ticket.

Q. Did he not tell you he voted for Judge Cox?

A. He told me he didn't vote for any one.

Signed. G. W. Brown.

Theodore Marsh, being duly sworn, testified as follows:

Q. What is your name, age, residence, and occupation?

A. Theodore Marsh; age fifty-six; Hartwell, Hamilton county; am not engaged in any business particularly; a retired merchant.

Q. Were you at the voting precincts in Hartwell on the election day—10th of October, 1876?

A. Yes, sir.

Q. State what you know, if any thing, about any illegal votes having been cast at that precinct.

A. Well, there was a vote cast by a German there. It was, as I supposed at the time, an illegal vote, and upon inquiry I was further convinced that it was an illegal vote.

Q. Was his vote challenged?

A. Yes, I think I challenged his vote.

Q. State what was said in response to the challenge.

A. Well, he stated that he had been in the United States army; that he had his discharge as a soldier, and that he had a right to vote under that discharge. That was referred to the judges, and they didn't appear to know much about it, and Mr. Tector undertook to give the law in regard to the matter, and he gave the law from some newspaper or other. Mr. Tector said he had a right to vote, because he was a discharged soldier. The man said he had no papers at all, but he had a right to vote from the fact that he had been a soldier in the United States service.

Q. Did he vote?

A. He did.

Q. Did you see the ticket he had in his hand?

A. Yes, I saw the ticket.

Q. What ticket did he have in his hand?

A. Well, to the best of my memory now, it was a Republican ticket. The ticket was handed him by a gentleman that was on the right side.

Q. What ticket, to the best of your recollection, did he vote?

A. The Republican ticket.

Cross-Examination.

Q. Did you read the ticket he had in his hand?

A. I did not; no part of it.

Q. Did you hear him say what ticket he voted?

A. Yes; my recollection now is that he said he was going to vote that ticket.

Q. I am speaking of when he was voting.

A. That was at the time.

Q. Did you not know the name of Judge Cox was on the ticket that he voted?

A. My impressions are that it was a straight Republican ticket. That is the best of my recollection. It might not or it might have been scratched.

Q. It may not have been a Republican ticket?

A. It was, to the best of my recollection, a Republican ticket. There was quite a little talk at the time. He was delayed from voting until this matter was argued. It was new to me that a man could vote because he had a discharge. I, as a Democrat, objected to it; I was there for that purpose.

Q. You found a good many tickets scratched, did you not?

A. I did not count them, Mr. Campbell; there were some tickets scratched there.

Q. And whether this one was one that was scratched or not, you do not know?

A. I don't think it was; I don't know.

[Signed,] THEO. MARSH.

James Herren, of lawful age, being duly sworn, testified as follows:

Q. State your name, residence, and occupation.

A. James Herren; Miami township; Deputy Sheriff under Mr. Wallace.

Q. State whether or not you are acquainted with one William Miller.

A. Yes; I am slightly acquainted with him.

Q. State whether or not he voted at the election held on the 10th of October last, and if so, where did he vote?

A. Yes; he voted in Cleves at the election.

Q. Did he vote at the November election last?

A. Yes, sir; he voted at both elections.

Q. Was he challenged at the November election?

A. He was.

Q. When challenged at the November election did he produce his naturalization papers?

A. Yes; he did.

Q. What date did they bear?

A. The same date of the Presidential election; got them out that same day.

Q. You saw the papers?

A. Yes, sir; I did.

[Signed,] JAMES HERREN.

James Carlin, of lawful age, being first duly sworn, testified as follows:

Q. What is your name, age, residence, and occupation?

A. James Carlin; age, 48; residence, Cincinnati; I am at present Superintendent of the Court-house.

Q. Are you acquainted with William Miller?

A. Yes, I am.

Q. Were you present when he was challenged on the 10th of November?

A. I was not.

Q. Did you see him vote in October?

A. I did not.

Q. Did you have any conversation with him about what ticket he voted in October? (Question objected to.)

A. I have had several conversations with Mr. Miller about his voting, and Mr. Miller spoke to me especially about voting for Mr. Mathews, in conversation about Mathews and Banning, but nothing else than that. He did not tell me what ticket he voted, although I know the ticket he generally does vote.

Q. What is his politics?

A. He is a Republican, very strong.

Cross-examination.

Q. Do you know whether he voted for Judge Cox?

A. Cox is very popular down there; I don't know.

Q. Then you don't pretend to say he voted the Republican ticket?

A. Nothing more than what he said to me about Mathews and Banning.

Q. The only thing you know is, that he voted for Mathews?

A. Nothing more than by his politics.

[Signed.] JAMES CARLIN.

Robert J. Archibald, of lawful age, being duly sworn, testified as follows:

Q. State your name, age, place of residence, and occupation.

A. Robert J. Archibald; age, 25 years; Oakley; Reporter Chamber of Commerce.

Q. You voted on the election held on the tenth of October last?

A. Yes, sir. I voted the Republican ticket.

Q. Are you a native-born or a naturalized citizen?

A. Naturalized.

Q. When were you naturalized?

A. I could not give the date, sir.

Q. State whether you were naturalized before or after the October election.

A. After.

Q. You voted the straight Republican ticket?

A. I did, sir.

Q. You say you are twenty-five years of age: how long have you been in this country?

A. Twenty-four years and four months—a little over that. Born in December, 1851; came to America August 10, 1852.

Q. Where were you born?

A. Edinburgh, Scotland.

Q. State why you became naturalized after the October election.

A. I first voted for S. S. Davis, though I did it honestly. I voted at the October election, when somebody said, as we had beat them so bad, that they were going to challenge everybody. I immediately got acquainted with Captain Foraker, and, seeing we were to have papers, I had to get them.

ROBERT J. ARCHIBALD.

John Cosgrove, of lawful age, being duly sworn, testified as follows:

Q. What is your name, age, residence, and occupation?

A. John Cosgrove; 26 years old; I live at the corner of Ludlow and the river; laborer; Fifth Ward and second precinct.

Q. Were you at the polls on the election held on the tenth of October, 1876?

A. Yes, sir.

Q. How much of the day?

A. I was there about seven hours of the day.

Q. What time did you go there?

A. I was there about half-past five in the morning.

Q. At what time were you absent, and how long?

A. I was gone about nine o'clock for a while. I was gone about one o'clock—went and got my dinner. In the afternoon I was gone once or twice. I was tired standing. I wanted to get somebody else in my place, and took a walk round.

Q. What position did you have, if any, at the polls on that day?

A. I was on the challenging committee.

Q. How long have you lived in the ward?

A. About twelve years.

Q. How long have you been a voter in the ward?

A. Since I became of age.

Q. State whether or not at that election you challenged any colored men to take the vote.

A. Yes. I challenged all the colored men that came up there that I did n't know I knew pretty nearly all of them that were working around the river.

Q. Were there any colored men challenged by you who, upon being sworn, testified that they lived at 12 Sycamore street?

A. Yes, sir.

Q. How many?

A. To the best of my recollection, there were from twelve to fifteen.

Q. Who were the judges of the election on both sides?

A. There were Luke Ottinheimed, Jack Connolly, and William Dowlin.

Q. State whether or not you said any thing to any of the judges in reference to these men from No. 12 Sycamore street; and if so, what it was.

A. I made the remark that there was a great many from No. 12.

Q. To whom did you make the remark?

A. I am confident Luke Ottinheimer was there, and Mr. Dowlin. I don't know whether Connolly was in the room or not.

Q. State if you know what ticket these men voted.

A. Well, I could not see. I only think they voted the Republican ticket.

Q. How many of them did you see vote? Did you see the tickets of any of them?

A. No, sir; they had the tickets folded up before they came to the window.

Q. Did you see any of the tickets?

A. No, sir; not the inside.

Cross-examination.

Q. You say the tickets were all folded up before they came to the window?

A. Yes, sir.

Q. Where were you when you did the challenging?

A. Right on the west side of the window—close up to it.

Q. You say the tickets were all folded up before they came to where the judges stood?

A. Yes, sir.

Q. Do you know a negro corn doctor named Davies? and if so, was not he also there to lead these parties up?

A. Never seen Dr. Davies only one night he was out at the Democratic headquarters during the campaign making a speech down there.

(Signed) JOHN COSGROVE.

W. H. Lindo, of lawful age, being duly sworn, testified as follows:

Q. What is your name, age, residence, and occupation?

A. W. H. Lindo; age, forty-two; 46 East Fourth street; clerk.

Q. State whether or not, at the election held in October last, you were at the second precinct of the Fifth ward.

A. Yes, sir.

Q. How much of the day?

A. I was there all day long—from half-past six until twelve at night.

Q. State whether or not any colored men voted at that precinct while you were there, who swore they lived at No. 12 Sycamore street.

A. Yes, sir; they did.

Q. How many?

A. I saw some twelve to fifteen there almost.

Q. Did you see any of the tickets they voted?

A. Yes, sir.

Q. How many?

A. I saw some ten or twelve. I was standing right at the window there.

Q. What ticket did they vote?

A. Repuplican ticket.

Cross-examination.

Q. Where were you standing?

A. Right by the window.

Q. How far away from Mr. Cosgrove?

A. I was on the other side of the window.

Q. You and he were equally near to the voters?

A. Yes, sir.

Q. Did you move away from your place as these people came up?

A. No; I was distributing Democratic tickets.

Q. Were you any nearer to the colored people than Mr. Cosgrove?

A. Yes; Mr. Cosgrove stood on the other side of the gangway.

Q. The voters, then, walked up the gangway?

A. Yes, sir.

Q. How long was that gangway?

A. About five feet, I guess. It might have been ten. I could not say the exact measure. I was near the window.

Q. And when men came to vote, you suspicioned some and challenged them?

A. No, sir. I listened to Mr. Cosgrove challenge.

Q. Did any of the persons whom Mr. Cosgrove challenged, giving their number as No. 12 Sycamore street, have any other than folded tickets in their hands?

A. Yes, sir; some of them did.

Q. Then Mr. Cosgrove, when he states that all of them had folded tickets, is in error, is he?

A. In some cases he is.

Q. How many did you see with open tickets, and how many with folded tickets?

A. Ten open tickets.

Q. Then Mr. Cosgrove, in saying all had folded tickets, is only correct as to two of them?

A. That I saw myself.

Q. Do you mean that they handed an open ticket to the judge?

A. Yes, sir; they did.

Q. And it was a Republican ticket each time?

A. Yes, sir.

Q. Do you remember the name of any of these men?

A. No, sir.

Q. Did you go to investigate whether they lived at No. 12?

A. I saw several parties that went down to see.

Q. So far as you are concerned you know nothing about it?

A. No, sir.

Q. Where are you from?

A. From New Orleans. I come from New Orleans three years ago last Saturday. I am native born. I have lived here since I left New Orleans.

Q. Where have you been employed since you came here?

A. M. T. Lane's; Virtue & Yorston. Virtue & Yorston's as a book-canvasser; M. T. Lane's at the booking business. That was the only place.

Q What work are you at now?

A. Not doing any thing.

Q. How long since is it you worked?

A. Up to August last.

Q. Where did you work when you first came to this city?

A. I worked for M. T. Lane & Co. I was delivering their books through Ohio, Indiana, and Kentucky—regular delivery agent.

Q. Where are you living now?

A. Forty-six East Fourth street; my family is there; I keep house there.

Q. Did you read those tickets that you said you saw?

A. I saw them take the tickets from the man who was delivering Republican tickets. I don't know who he was. I am not acquainted with a good many aronnd there.

Q. Where was this man standing that you saw got the tickets from?

A. Right alongside of me.

Q. Then Mr. Cosgrove was again mistaken when he says he folded the tickets?

A. They got open tickets right near the judges' stand.

Q. How far away from the judges' stand were you?

A. About two feet.

Q. How far away was this man who handed the tickets to the people from the judges' stand?

A. This one was standing just about a foot and half from me.

Q. Then he was about from two to three feet from Mr. Cosgrove?

A. Yes, sir.

Q. Were tickets handed to the judge folded?

A. Some were folded and some open.

Q. Ten open and two folded?

A. Yes, sir; what I saw.

Q. And you saw all that was going on?

A. I saw every thing at the polls.

Q. You stayed from half-past five in the morning to twelve at nighi?

A. Yes, sir. I was on the east side of the gangway.

Q. There was a passage-way for voters to pass over going aronnd the judges' stand?

A. No, sir; there was a partition between.

Q. Was there any passage-way on the side where Mr. Cosgrove stood?

A. No, sir; I don't think there was. It was on my side.

W. H. Lindo.

Henry Smith, of lawful age, being duly sworn, testified as follows:

Q. What is your name, age, residence and occupation?

A. Henry Smith; forty-four years of age; 51 East Third street.

Q. State whether or not you were at the polls of the Second precinct of the Fifth ward, at the last October election.

A. I was there from the hour the polls opened until they closed, except when I went to dinner—abont an hour; the rest of the time I was there all the time.

Q. While you were at the polls, did any colored men vote, who, upon being challenged, swore they lived at No. 12 Sycamore street?

A. Yes; I could average from twenty to twenty-five.

Q. Did you see what ticket any of them voted?

A. Yes, sir. I stood on the front platform when they came in; I seen tickets handed by Republicans, and I went up to the window and told Cosgrove to challenge those voters.

Q. What ticket was handed to them?

A. A Republican ticket. I knew the party that was giving the tickets to them.

Q. Who was it?

A. Myers was one. I don't know the name of the other man. There is another one; his brother keeps a grocery. They held the tickets to one side and whispered before they gave the tickets.

Q. Did you see any stop to scratch the tickets?

A. No, sir, I did not.

Q. State whether or not you went down to No. 12 Sycamore street.

A. I did. We made the remark there was so many there. Mr. Connolly spoke to me about it, and asked me to go down. It was between 2 and 3 o'clock. We found nothing but a hump-backed colored man. We asked him did he keep any boarders. He said, no sir; but there are three or four colored boys sleep here when they have no home to go to.

Q. State in what con'ition you found the house.

A. Down stairs, nothing; up stairs, the windows smashed in.

Q. Did any one go down with you except Dr. Nekamp?

A. No, sir; only me and Dr. Nekamp. We met four or five coming back. They wanted to go to vote. We stopped their vote at the polls.

Q. Were there any that voted from No. 12 Sycamore street, after you came back?

A. No, sir. Mr. Kline was on the challenging committee. Three or four came to vote afterwards, but didn't get their votes in.

Cross-examination.

Q. You say from twenty to twenty-five colored men voted from 12 Sycamore street.

A. Yes, sir, I do.

Q. What ticket did they vote?

A. They voted the Republican ticket. I seen.

Q. How many tickets did you see?

A. Pretty near all of them. Saw them at the mouth of the platform, about a foot from the curve.

Q. What is your business, Mr. Smith?

A. I am a pedler.

Q. How long have you been engaged in that business?

A. Twelve years.

Q. Where were you standing at the polls?

A. I was by the window all the time, back and forwards. I would go to the platform where the entrance was, maybe one foot from the curb. I watched these colored men when they come up and got their tickets.

Q. Who is this Myers?

A. I don't know his other name; can't tell you where he lives. He is always there electioneering, and generally on the challenging committee.

Q. You say twenty or twenty-five colored men voted?

A. Yes, what I seen.

Q. At what time?

A. Between 2 and 3 o'clock.

Q. Did any more of these people, announcing themselves as living at No. 12 Sycamore street, come after 2 o'clock?

A. Yes, sir.

Q. What did you do with the parties who announced themselves from 12 Sycamore street? Was any arrested?

A. No, sir; not at that time, as I know.

Q. Did you not know there was a reward offered for the arrest of illegal voters?

A. I think I did see it.

Q. You knew, then, if any peason offered himself, coming from No. 12 Sycamore street, he could have been arrested?

A. I did; I didn't think anything of it, only not to let the vote go in.

Q. Who else gave out tickets besides Myers?

A. I don't exactly know; there is another, I know him by sight; one of the brothers keeps a grocery on Pearl street, between Broadway and Ludlow, on the lower side; there is a little humpbacked fellow, I know him by sight, but don't know his name.

Q. Did any of these men hear those people announce themselves from No. 12 Sycamore street?

A. I could not say.

Q. How many did you challenge as being from No. 12 Sycamore street?

A. We—Mr. Cosgrove challenged twenty.

Q. Do you know the name of a single one?

A. I don't know of one; if I heard the names repeated I suppose I could recolleet.

Q. Was John Brown one of them?

A. I could not say.

Q. Did you write down the names?

A. I did not.

Q. Did Mr. Cosgrove?

A. I don't know.

Q. How many of them did you see vote open tickets?

A. They didn't vote open tickets at the window; got the tickets on the platform and doubled them up.

Q. A man standing in the position this last witness was—Mr. Lindo—could he have seen whether they had open or closed tickets?

A. I should think he could, at the window.

Q. Mr. Cosgrove was at the window?

A. There was a passage between Mr. Cosgrove and the window.

Q. You say it was a humpbacked Irishman that gave the tickets of which you spoke?

A. Yes, sir.

Q. Do you mean to tell us that a fellow that was humpbacked, and an Irishman in addition, voted the Republican ticket?

A. Yes, I do.

Q. And induced negroes to vote the Republican ticket?

A. Yes, sir.

Re-direct Examination.

Q. Are you acquainted with the negro voters in your ward?

A. I am pretty well acquainted with them; all by eyesight, not in names.

Q. Do you remember a colored man of the name of Wattman voting also?

A. No, sir.

Q. Do you remember a colored man of the name of Smothers voting?

A. He voted; said he was proprietor of No. 12 Sycamore street.

Q. Was there a colored man named Taylor, from No. 12 Sycamore street?

A. I don't know.

HENRY SMITH.

Theodore Neekamp, of lawful age, being duly sworn, testified as follows:

Q. State your name, age, residence, and occupation.

A. Theodore Neekamp; twenty-six next spring; 58 Butler street; shoemaker.

Q. Were you at the polls of the Second Precinct of the Fifth Ward on the day of the last October election?

A. Yes. sir; part of the time.

Q. While you were there did any colored men who, upon being challenged, state they lived at No. 12 Sycamore street, vote?

A. Yes; I guess to my knowledge, about ten or twelve, as long as I was at the polls.

Q. Did you see what ticket any of them voted?

A. They got them from the Republican electioneers there.

Q. Did you go down to No. 12 Sycamore street?

A. I did go with Smith.

Q. What time of the day?

A. Half-past two.

Q. The day of the election?

A. Yes, sir.

Q. State what you found when you got down there?

A. We knocked on the door, and an old, humpbacked negro came out there, and I asked him how many boarders he had here. He told me a few fellows slept there that went on the river.

Q. What was the condition of the house?

A. All torn up like a pig-stable. Windows and doors broken.

Q. You and Smith went there at the request of the judges of the election?

A. Yes, sir.

Cross-examination.

Q. For whom do you work, Mr. Neekamp?

A. Mr. Fanger.

Q. Who is Fanger?

A. John H. Fanger. He has a shoe store on Pearl street.

Q. Where was you standing on the day of the election?

A. I was all around the polls.

Q. How do you know that there were ten or twelve colored men?

A. I seen them.

Q. Where did you see them?

A. I seen them vote; seen them challenged. They said they lived at No. 12 Sycamore street. I don't know their names.

Q. Can you describe any of them?

A. I might if I saw them. It is very hard to tell a nigger.

Q. Any harder to tell a nigger than a Dutchman?

A. Yes, it is indeed.

Q. What ticket did these people vote?

A. I seen them getting Republican tickets from the electioneers.

Q. From whom did you see them get Republican tickets?

A. I don't know the fellow's name. It was a small, little fellow—a new man in the ward.

Q. How long have you lived there?

A. I have lived in the ward ever since I have been in this country; about twelve years, I guess.

Q. When were you naturalized?

A. When I was twenty-one years old. I could not tell when it was.

Q. Were you ever naturalized?

A. Yes, sir. I got my papers in the court-house when I was twenty-one years old. That is seven years ago. I am twenty-six next spring.

Q. Have you got your papers now?

A. I have with—not with me.

Q. Which was it?

A. About five, or six, or seven. I got the papers when I was twenty-one years old. It was five years ago.

Q. Why did you say seven a moment ago?

A. Well, every body is liable to make a mistake, I guess.

At this point witness produced papers issued to him by the Probate Court of Hamilton county, dated 4th of October, 1872.

THEO. NEEKAMP.

Richard C. Rohner, of lawful age, being duly sworn, testified as follows:

Q. What is your name, age, residence, and occupation?

A. Richard C. Rohner; thirty-nine; residence, 570 West Ninth street, city; city clerk.

Q. Have you in your possession at the present time, and with you, the poll-book of the second precinct of the Fifth ward for the last October election?

A. I have.

Q. Please examine that book, and state how many names there are marked "Colored and sworn," and as you come to the names call them off, so that the notary can take them down.

A. J. Jones, J. Shannan, Wm. Lewis, W. Jacksen, L. Stewart, M. McGee, C. Blackwell, Wm. Woods, W. C. Watman, W. Smothers, J. Martin, S. Smothers, H. Lightfoot, E. Holfner, X. A. Johnson, J. Thompson, J. Holmes, W. Chase, S. Smothers, J. Holmes, J. Hogan, J. Wartford, J. Helmes, R. Greenson, J. Terrell, J. Holmes.

RICHARD C. ROHNER.

George Moore, of lawful age, being duly sworn, testified as follows:

Q. What is your name, age, residence, and occupation?

A. George Moore; thirty-three; 180 East Sixth street; I keep a saloon.

Q. How long have you lived in this county?

A. In this county? I don't know exactly, but I think between eight and nine years.

Q. Were you in attendance at any of the polls at the October election in 1876, and if so, where?

A. Yes, sir; Fourth and Sixth Ward.

Q. Did you vote?

A. Yes, sir.

Q. What precinct and ward do you live in in this city?

A. Fourth Ward; I doun't know the precinct; the first precinct, I believe.

Q. How long were you at the polls at the October election?

A. At either polls? I spent the whole day at the polls. I was up to the Sixth Ward polls. We went four or five times during the day.

Q. State whether or not you know of any illegal voting at either of the polls when you were present, and if so, state all the particulars concerning the same.

A. There was a white gentleman brought three colored men to the Fourth Ward and voted. I offered them a ticket before they voted. He says, "No, I don't vote your ticket; we vote a ticket of our own." I says, "Let us see your ticket." They turned the ticket

up, and I looked at it. They went and voted, and I followed them to the Sixth Ward, and they went to the Sixth Ward and voted. I was going to have them arrested, but I got into conversation with Capt. David, and they got away from me.

Q. Do you know what ticket they voted in the Fourth Ward?

A. The ticket they voted in the Fourth Ward was folded up, and the ticket they had at the other wards, they had that open.

Q. Are you able to state what ticket it was that they voted at both of these polls?

A. Well, the one they showed me was a Republican ticket.

Q. What one did you see?

A. That was the first one they voted in the Fourth Ward.

Q. State whether or not you had any conversation with these three men as to what ticket they voted.

A. I asked them the reason they would not vote my ticket, and they said because they didn't vote my kind of a ticket; they said because I was a Democrat. I says, "Yes, I am." That was on the corner of Lock and Sixth streets.

Q. Was it before or after they had voted?

A. Before they voted in the Fourth Ward; I was presenting my objections to them then.

Q. You saw them vote these tickets they had at the Fourth Ward, did you?

A. Yes, sir; they showed me the tickets, you know, then folded them; they showed me the head of it doubled up right back again.

Q. What was the head of the ticket?

A. It said "Republican."

Q. Now, how did they vote their tickets in the Sixth Ward?

A. They just went up with the ticket just the same as you fold up a piece of paper back once.

Q. Did you see those tickets?

A. I didn't get to see those tickets; they was a good ways ahead of me. Capt. David stopped me. I seen them going in on the platform and giving their tickets over.

Q. Now, do you know these men?

A. I would know them if I see them. I knowed the white gentleman if I seen him.

Q. Do you know their names?

A. I can not remember the names they gave in the Fourth Ward; I didn't see their names in the Sixth Ward.

Q. Have you ever seen them since?

A. Never seen the colored men; I seen the white gentleman.

Q. Where does the white man live?

A. I don't know.

Q. Do you know where these colored men state they lived?

A. They said they was river men.

Cross-examination.

Q. You say these men voted at the Fourth ward polls?

A. Yes, sir.

Q. How near were you to them when they voted?

A. I was standing right near the stand. I saw them vote.

Q. What names did they give at the polls?

A. I could not remember now.

Q. Who was this white man that came up with them?

A. I don't know who he was; know him when I see him; a man five feet some inches; didn't have any beard at all.

Q. You say you have seen him since the election?

A. He was at the saloon once—came in with some fellows off the river. I don't know whether he was a Dutchman or an Irishman.

Q. How close were you to them when they voted in the Sixth ward polls?

A. I was there between the stable, right on the corner of the alley east on Sycamore. I saw them go up and hand the tickets; didn't see them vote.

Q. How did you come here to testify?

A. Well, sir, because I was subpœnaed.

Q. Who spoke to you about coming here?

A. He asked me did I know any thing about people going round at the time of the election and voting illegal votes. I told him "Yes."

Q. Who was that gentleman?

A. Mr. David subpœnaed me. He came up yesterday with a subpœna.

Q. He spoke to you first?

A. No, sir.

Q. What did he say to you?

(Objected to.)

A. He came up with a buggy and said, "I want you." I says, "What do you want?" "Want you to go down to my office." I says, "Subpæna me and I'll go." He brought a subpœna, and I got in the buggy and came down with them.

Q. What did he say to you about being his partner?

A. He didn't say any thing.

Q. Did he tell you he was up there hunting for illegal voters?

A. He didn't tell me so.

(All the preceding questions relating to David objected to.)

Q. What did you say to him in respect to your coming down here and testifying?

A. I told him I would come.

Q. Did he promise to pay you for coming?

A. No, sir. Nobody else offered me any.

Q. Did not he tell you you would be paid for coming?

A. I think a man that had a subpœna should be paid for going any place.

Q. Do you know where this white man lives or may be found?

A. I don't. I know him when I see him. GEORGE MOORE.

Andrew Huber, of lawful age, being duly sworn, testified as follows:

Q. Please state your name, age, residence, and occupation.

A. Andy Huber; twenty-three; north-west corner of Third and Sycamore; bar-tender.

Q. What ward is that, Mr. Huber?

A. The Eighth ward.

Q. State what you know regarding illegal voting at the October election in the year 1876.

A. Well, I don't know anything about voting, you know. I didn't see the men vote; just know about that building over there.

Q. How near to your residence are the premises known as 138 Sycamore street?

A. About a square and a half.

Q. Had you occasion to take particular notice of those premises and the occupation of

the same previous to and immediately after the October election, 1876? and, if so, what did you observe?

A. About two or three weeks before the election I used to see women standing in front of that house, about three or four at a time, and negroes go in there every afternoon and evening, and there was a paper out on the door that said: "Wanted, boarders." And I used to see men, from day to day, going in there. I used to see three or four standing around the window in the evening. Could not tell whether they ate or slept there till about ten or eleven o'clock at night, and go home about half-past eleven. After the election I didn't see any body there no more but women—about a week or so after the election. I don't know how many there were—might have been ten or twelve; I used to see some times three or four go in at a time.

Q. Where is your business?

A. My place of business is 129, right opposite.

Q. Then your place of business is right opposite this building?

A. Yes, sir.

Q. State, as nearly as you can, the number of different men that you saw.

A. Well, I think about ten strange faces. I didn't know the people at all. They never came over to our place. Pretty well dressed men, too.

Q. Was there any saloon in this building—138?

A. A barber shop below, and on the side there was an entrance going up to the second and third floor.

Q. Did you notice those premises in the month of August, and up to the middle of September, particularly?

A. Just about three or four weeks before the election I used to see them go in there frequently.

Q. Before that had you seen any considerable number of men going in there?

A. Not before that.

Q. Were they all colored men, or part colored and part white?

A. A mixture—more white than black.

Q. Have you seen any of these men around in that neighborhood since?

A. No, sir; I don't think there is any there now; I did not see any for a good while.

Cross-examinaiion.

Q. You say you didn't notice any men go in there until about two weeks before the October election?

A. About three or four weeks.

Q. How long were you there?

A. Three years; it will be three years by April.

Q. Do you know where these men came from?

A. No, sir, I don't.

Q. Do you know whether they slept there or not?

A. Could not tell. I would see three or four sitting by the window smoking cigars.

Q. Might not they have lived there sometime before those three or four weeks without you seeing them?

A. No, I don't believe they did, because the rooms were empty; at least I never seen any light in there. About three weeks before the election I saw three or four women there.

Q. Were you ever in that house?

A. No, sir.

Q. Don't know whether any body lived there or not?

A. I could see a bedstead and wardrobe from my place, up in the third floor; in the second floor I could not see any thing but a light.

ANDY HUBER.

Charles Moore, of lawful age, being duly sworn, deposes and says:

Q. State your name, age, residence, and occupation.

A. Charles Moore; age, forty-five; 138 Sycamore street—I stop there; waiter of hotels.

Q. Do you have control of the premises 138 Sycamore street?

A. Yes, sir.

Q. How long have you lived there?

A. Lived there a year.

Q. State who occupies those premises.

A. Well, the man that keeps the feather store, I believe, is the man that had the house, 136 there. A barber shop is on the first floor. There used to be some two or three different families lived in there since I was there.

Q. What is on the third floor?

A. There is a lady that rents it—a man that sleeps there.

Q. Does she keep a boarding-house?

A. A kind of lodging.

Q. Lodging or boarding-house?

A. Lodging; sometimes they board; they mostly just sleep there and work at hotels.

Q. How many lodgers does she usually have?

A. Well, sometimes over five there.

Q. Are they regular lodgers?

A. Sometimes they are a good while, and then again not so long.

Q. How frequently were you at those premises during the month of October, 1876?

A. Been there for a year, sleeping there over night.

Q. State whether or not between the first and the fifteenth of October there was any considerable increase of lodgers in those premises.

A. Not in the part where I am. Some, sir, no more than usual; I stayed there with the woman that lives there.

Q. You got lodging of her?

A. Me and my daughter lives there, and son.

Q. You say there were no negroes in the number of lodgers in those premises, so far as you observed?

A. Not while I resided there.

Q. Can you tell how many men have lodged during the past year?

A. I could not.

Q. Can you approximate it?

A. I don't know exactly how many; no increase during the time you spoke of.

Q. About how many lived there at that time?

A. About three or four at that time; it was a white woman, a fortune-teller, on the second floor.

Q. At that time?

A. No, not at that time, she come there since then; she was not there then.

Q. Do I understand you to say that during the month of October, 1876, there were not more than four or five men lodging in that building?

A. In the part that I lived in; down below I could not say any thing about.

Q. Well, do you know who kept the second story?

A. I don't. Two white families lived there since I was there, and some colored families.

Q. Were there many in those families?

A. I could not say whether there were or not.

Q. State whether or not you recollect during the month of October that only the front room of the second story was occupied.

A. I know of some ladies, or women, living in there.

Q. Don't you know that they were put out because they had a bad reputation?

A. Well, I believe they said they was. I could not say positively because I never visited them, but I understood they was.

Q. Does the barber who occupied the first floor live in the premises?

A. I think he sleeps back in the shop.

Q. Do you know whether any man sleeps with him or not?

A. I don't.

Q. Did you vote at the October election?

A. No, sir; I voted at the Presidential election.

Q. The October election was a month before. Did you vote at that election?

A. I don't believe I did; I won't be positive.

Q. Are you a Republican or a Democrat?

A. Should not think I would be anything else but a Republican. I would rather have my neck cut off than be anything else.

Cross-examination.

Q. Are you any relation to the witness that testified before you, George Moore?

A. No, sir; none at all.

Q. You say that four or five slept on the third floor during the October election?

A. I think about that; I don't think more than that; I am pretty sure there was.

Q. You don't know how many slept in the first and second?

A. That I know nothing about.

Q. Somebody kept those rooms?

A. I think there was somebody in at the time. Who they were I could not tell, but don't know how many.

Re-direct Examination.

Q. Are you able to state positively that there were men lodging in the second floor of 138 Sycamore street?

A. I could not say any thing about it.

Q. If there were men occupying the second floor would you have known it?

A. I don't remember that it was occupied at that time. I know there has been different families lived there; there has been one or two white, and two colored families there.

C. S. Moore.

S. J. McHugh, of lawful age, being duly sworn, testified as follows:

Q. State your name, age, residence, and occupation.

A. S. J. McHugh; age 33; 100 Sycamore street; I drive a mineral-water wagon.

Q. What ward and precinct did you reside in?

A. I resided in the Fifth Ward and first precinct.

Q. State whether or not you attended the polls of your ward and precinct at the October election, 1876; and if so, during what portion of the day.

A. I don't believe I was away from the polls on that day more than about two hours.

Q. State whether or not you have knowledge of any illegal votes cast on that day; and if so, state all the particulars concerning the same.

A. Well, from this house, 138 Sycamore street, came eleven to thirteen colored voters. I don't think they resided there.

Q. You say that there were eleven or thirteen voters that were sworn, who stated they resided there?

A. Yes, sir.

Q. Do you know what ticket they voted?

A. Well, I have an idea; that is, I positively believe that the majority of them voted the Republican ticket. Some of the tickets I could not exactly see; some of them voted openly.

Q. How many did you see to identify as Republican tickets from that place?

A. Well, I seen along about six or seven tickets voted openly.

Q. Do I understand you to mean that these parties were challenged, and gave their residence as 138 Sycamore street?

A. Yes, sir.

Q. What called your attention to the matter, and made you believe they were illegal voters?

A. Because I resided on Sycamore myself, and I was satisfied there was not the population in the house that was voting and naming the place as their residence. That is what called my attention to it. And, another thing, I know pretty nearly all the colored members in my precinct, and they were all strangers to me.

Q. Did you immediately go down to 138 Sycamore street and make inquiries?

A. No, sir; I did not.

Q. Are you able to say how many voters resided at 138 Sycamore street on election day?

A. I know about the negro barber. I am satisfied he voted. I could not positively say to any more except those that I just heretofore alluded to.

Q. Do you know whether the barber that occupied those premises lived there during October?

A. Yes, sir; lived under where I live now before he moved here—voted in the same precinct.

Q. Do you know the names that were given by these voters as living at 138 Sycamore street?

A. That I could not say. I tried to put a great many of their names down, but lost the slip. Another thing, I had a great deal of business to attend to. When they did come they all came together.

Cross-examination.

Q. How many open tickets did you say you saw them vote?

A. Seven or eight.

Q. How near were you to the polls?

A. I was right near—at the window. I was Democratic committeeman.

Q. Who were the judges?

A. Tom. Foster was one and Lawyer Herron was the other; Phil. Carrigan was the Democatic judge. I don't believe we had more than one Democratic judge.

Q. From eleven to thirteen voted as being residents of 138?
A. Yes, sir.
Q. Were there any scratched tickets among these sevon tickets that were voted?
A. Not that I could notice.
Q. Did you examine each ticket?
A. I am not allowed to examine any ticket.
Q. Were you quick enough to see the tickets?
A. I was quick enough to recognize them as Republican tickets.

JOHN S. MCHUGH.

All objections to this testimony taken by Ernst Rydall waived, except objections to competency and relevancy.

T. C. CAMPBELL, *Counsel for Contestant.*

Robert White, colored, of lawful age, being duly sworn, testified as follows:

Q. By T. C. Campbell. State your name, age, and residence.
A. Robert White, over fifty years, I guess; residence, Longworth street, between Race and Elm, No. 67.
Q. Are you white or colored?
A. Colored.
Q. One Kelley has testified in this proceeding that you voted at the first precinct of the Eighteeenth Ward, and that you gave your residence as No. 181 Elm street, at Fay's stable. State whether or not you did vote, and if so, where you lived at the time of voting, and how long you had lived there.

[The first part of the question objected to for the reason that John Kelley has not sworn that this particular witness voted at the October election, having been in Mr. Fay's stable.]

A. Yes, sir, I voted in the Eighteenth Ward, first precinct.
Q. Where did you live at the time you voted?
A. On Longworth street, between Race and Elm, No. 67. I lived there about eight months.
Q. Have you lived in this city for a year previous to the election?
A. I have been here ten years; going on eleven.
Q. Were you challenged?
A. Yes, sir.
Q. Were there very few colored men challenged that day?
A. Some were. I got through, and voted, and went to my work at the Western Union Telegraph.

Cross-Examination.

Q. How long have you lived at 167 Longworth street?
A. Eight months.
Q. Where did you live before that time?
A. Over here on Lodge street.

His
ROBERT ⋈ WHITE.
mark.

Thomas White, colored, of lawful age, being duly sworn, testified as follows:

Q. By T. C. Campbell. State your name, age, and residence.
A. Thomas White; thirty-two years of age; 67 Longworth street.

Q. State whether or not you voted at the election held on the 10th of October, 1876.

A. I did not.

Q. Did you offer to vote?

A. I did, sir, two or three times.

Q. Who rejected you, and why were you rejected?

A. Well, I am not acquainted with the gentleman; I know him by sight—the judge there and Mr. Davis; and they went and saw me in my house where I lived.

Q. Who went and saw you in your house?

A. Mr. Rudolph and a couple of other gentlemen; I don't know their names—a committee.

Q. How long had you lived in the ward?

A. About eight months we had lived in the ward, if not longer.

Q. Was it usual to challenge colored men on that day?

A. Yes, that day.

Q. Was every one challenged that offerd to vote?

A. Yes, as far as I saw there was.

Q. What ticket did you intend to vote had you been permitted to cast your ballot?

A. The Republican ticket, every name.

Q. Is there not another colored family of your name living in the ward?

A. Not that I know of.

Q. Are you a son of the last witness that testiffed?

A. I am a step-son.

Cross-examination.

Q. How long did you stay at the polls?

A. Stayed there all day.

Q. What time did you go there?

A. Went there before five o'clock.

Q. What time did you leave?

A. I left about five o'clock, I suppose, in the evening; off and on; I would be gone sometimes an hour, or half an hour; just merely looking on, simply because I was refused to vote some two or three times.

Q. How much time were you close to the polls?

A. Well, sir, as close as I could get to where they were challenging.

Q. How much of the time?

A. Principally all the time.

His
THOMAS ⋈ WHITE.
Mark.

Alexander Neve, of lawful age, being duly affirmed, testified as follows:

Q. By T. C. Campbell: State your name and residence.

A. Alexander Neve; 38 McFarland street; business, hardware merchant.

Q. State what part, if any, you took in the election held in this county on the 10th of October, 1876.

A. I was one of the judges in the first precinct of the Eighteenth ward.

Q. Who were the other two judges?

A. Joseph Rudolph and E. M. Davis.

Q. State what, if any thing, you know about colortd men voting illegally at the ward and precinct where you were judge of election.

A. I know of no one that voted illegally.

Q. Please examine the list of names now handed to you, and state whether or not you have compared it with the list of names sworn to by one Kelly, who was a witness for the contestee in this case, and who testified on the 22d.

A. These were the names that he testified to.

Q. Do you know the first name here, John Herndon?

A. I do not.

Q. Do you know Richard White?

A. I do.

Q. Was there more than one White voted in the ward that day, in the precinct?

A. There was but one on the poll-list, one of each of those names.

(That part of the testimony referring to the poll-list objected to, for the reason that the poll-list is the better evidence.)

Q. State what precautions, if any, were taken by the Democrats at the said poll and precinct to prevent colored men voting illegally.

A. In the first place they made it a point to challenge nearly every colored man that came to vote. They had in their possession a book which they claimed to be a record of all the colored voters in the ward, and their places of residence. When a colored man would appear to vote, E. M. Davis would turn to the party who had this book in his possession, and ask him if his name was down on the list. If there was any doubt about it then they would tell some of the Democratic committee to go with him to his place of residence and see whether his statement was true. Upon return of the committee they would allow him to vote, if they were satisfied that he was a legal voter.

(Cross-examination waived.)

ALEXANDER NEAVE.

Witness recalled:

Q. State whether or not any threats were made, or any utterances or intimidation indulged in, to prevent colored men from voting at the polls—state it fully.

A. It was done by E. M. Davis, who would frequently, during my examination of the witnesses after being challenged, tell the officers on the outside to arrest this man if he undertook to vote before there was any decision given, whether he had a right to vote or not. Such threats as that were made, I expect, to twenty.

Q. Who was this Davis?

A. He was one of the judges. I further say there was one or two of them arrested and taken to the station-house under his directions.

Q. Give the names of those arrested.

A. I can not, sir.

Q. What officers arrested them?

A. I could not tell.

Q. How do you know they were taken to the station-house?

A. I saw parties that came back, who saw them in the station-house, saw them taken away by the officers.

ALEXANDER NEAVE.

After the witness had signed, he made the following statement: That E. M. Davis was now arrested, indicted, and under bond to the amount of two thousand dollars for that and similar conduct.

ALEXAEDER NEAVE.

George Schatzman, of lawful age, being duly sworn, testified as follows:

Q. By T. C. Campbell. What is your name, age, residence, and business?

A. Gsorge Schatzman; twenty-two years of age; 108 Martin street; book-keeper.

Q. Were you in this city on the 10th of October, 1876? if so, did you take any part in the State and county election held on that day? and if you did, where?

A. I was in town; I took what in my estimation was a very active part in the election on the 10th day of October.

Q. What, if anything, do you know about illegal votes being cast on that day?

A. Do you mean in the ward or in the precinct?.

Q. In the ward.

A. I polled the ward two days after the October election in the first precinct of the Fourth Ward, and in comparing the polling that I had taken in the ward, or the precinct rather, with the poll-book, they didn't compare at all. The fact was there was a difference of two hundred and seventy-seven names we could not find in the precinct.

Q. How soon after the election did you commence to poll?

A. Two days after.

Q. Did any one assist you?

A. Yes, sir.

Q. State who it was.

A. Mr. Hallam, Mr. Stagerman, and myself.

Q. State in detail fully how the poll was commenced and condncted by you gentlemen.

A. Each of us had our districts to poll, and we commenced at a certain point. We went into every house and room where we supposed there were any persons living. I inquired as to the voters in the ward and their names. We, in that manner, got every vote in the ward.

Q. Are you sure that you got the name of every male resident of that ward who was over the age of twenty-one?

A. Yes, I am certain of that; and we got a great many who were not twenty-one years of age, and parties who were not voters, who hadn't their naturalization papers—in fact they had never got them.

Q. In what way do you know that there were two hundred and seventy-seven names on the poll-book of persons who did not live in the ward?

A. We took the polling of the ward that we had taken and compared our poll-book with the poll-book that had been voted on the day of election and compared them. Took one by one, and those who we could not find we just made a list of them separately, and we inquired in the ward and could not find them.

Q. Did you not find names in the ward who did not vote at the election held on the 10th of October?

A. Yes, sir.

Q. Do you know how many?

A. I could not tell precisely the number of them, no, sir.

Q. Is it not possible that many persons may have voted in the ward on the 10th day of October and their names not be spelled correctly by the clerks, that you might in that way be unable to find them when you made your poll?

A. Well, we found a great many of them in that way, and any thing that was spelled any way like a word we had on the poll-book we had taken, we just checked it off on the book that had been voted.

Q. Well, I understand you to say that wherever a name on the poll-list was near like a correct name, that then you counted that as a vote of a resident of the ward?

A. Yes, sir.

Q. Then, after deducting any possible chance for mistakes, do I understand you to say that there still was a discrepancy of two hundred and seventy-seven?

A. There was; yes, sir. There were two hundred and seventy-seven names on the poll-list that had been voted for which no corresponding names could be found in the ward.

Q. Is it not possible that you might have missed a great many residents of the ward in your poll?

A. I don't think it possible that I could have missed any.

Q. Why aint it possible?

A. Well, we made such an accurate search for the voters; we went into every room of every building, to the cellar and garret of the house.

Q. Were there any persons in the ward who declined to give their names?

A. There was several. Yes, sir.

Q. May they not have been the persons whose names you did not find on your poll list?

A. No, sir; for we got all those names.

Q. How?

A. Well, if we could not get them in the same house we would get them next door. There were very few, however, refused.

Q. Was it known that you were a committee appointed to look for illegal votes, or the names of persons who had voted?

A. It was suspected that we were appointed for that purpose, but nothing definite was known.

Q. How did you get their names if the Democrats suspected you of being appointed for that purpose?

A. Well, we stated that we were canvassing for a post-office directory. There was one place we got down in the creek, that they didn't refuse to give the name exactly, but said there were several men there stopping two or three days before that had just left.

Q. You say you commenced making this inquiry two days after the election. How long did it take you to complete it?

A. Well, we completed the canvassing of the ward in two days, but the comparison of the poll-book that had been voted and the polling we had taken in the ward took us about eight days.

Q. Can you state the boundaries of that ward?

A. I can state the boundaries of the west side and south; that was my district.

Q. I mean the boundaries of the precinct.

A. No, sir. I forget.

Q. State whether or not the paper now shown you is a poll list, as made by you three gentlemen of that precinct.

A. It is. Yes, sir.

Q. Will you please mark it with your name and the letter "A," and attach it as part of your deposition?

A. I will, and hereby do so.

Q. I see on this list certain names have check-marks opposite to them and others have not; what do those check-marks indicate?

A. The check-marks indicate those names we checked off from the poll-book who had been voted in the first precinct of the ward.

Q. State what this additional list which is now handed you, consisting of two sheets, means. Is it any part of your labors in the polling of the ward?

A. It is part of our labors. We each had our districts, and took the names separately on legal cap; and those that we could not, Mr. Hallam and I sat down and copied them off from those reports, and this was an "error list" which we failed to copy from the district list.

Cross-examination.

Q. You have attached to your deposition an exhibit marked "A"; in whose handwriting is this?

A. My handwriting.

Q. What day did you commence comparing the ward?

A. I have forgotten the precise date now; it was two days after the October election that we commenced.

Q. Did you poll all the ward, or only a portion of it?

A. Only a portion of it.

Q. What portion did you poll?

A. I polled from Third street to Fifth street, and from Eggleston avenue to Baum street.

Q. What streets are there in there?

A. Well, I commenced on the east side of Eggleston avenue on Third street, went up as far as Fifth street, up Fifth street to Baum, and then came back to Lock street, and down on Lock to Third again. I then went up third street and took in Kilgour street to Fifth, and went back to Helen, and down Helen and around to Third street again.

Q. What time of the day did you commence?

A. About nine o'clock.

Q. How long did you work?

A. Worked all that day.

Q. Do you know at what time you quit?

A. We quit about half-past four.

Q. How long a time did you take for dinner?

A. Half an hour for dinner.

Q. When was that?

A. I polled that district myself.

Q. How many names did you have in that district?

A. I don't remember now. I just took them in on a list, and when we got them back we polled them and took them off alphabetically. I don't know the number I had taken on that list.

Q. Give somewhere near the number.

A. I suppose there must have been about five hundred, as near as I can estimate.

Q. What proportion did the precinct you refer to bear to the whole?

A. I took about one-third.

Q. Did you commence the next day?

A. Just about nine o'clock.

Q. How long did you occupy of that day?

A. Till about eleven o'clock—two hours.

Q. Did you have the whole completed at that time?

A. Yes, sir; I did.

Q. How did you take these names? Describe fully how you took them.

A. We went from house to house; went into almost every room there was, or any that we could find, and asked the name of the gentleman who lived there, and what was his age.

Q. You say you went from room to room. Do you pretend to say you went into the rooms of all the houses?

A. Not at all—only where there were two families living. There were bu ldings we went into that had a family in each room. One frame building had about fifteen families living in it.

Q. You went into each of the rooms?

A. Yes, sir; went to each of the doors.

Q. How many buildings did you find of that kind?

A. Found a great many of them.

Q. How many?

A. About from twenty-five to fifty of them.

Q. Where were they located?

A. Located around Lock street.

Q. Who occupied these buildings?

A. Most of them were white people.

Q. Have you this list of voters that you took?

A. I think I could get it. I don't know whether I could or not. Now it comes to the point, I don't know whether they have been destroyed or not. Mr. Hallam has them. He has taken off.

Q. What Hallam?

A. W. H. Hallam.

Q. Then this exhibit that you attach here is not the original list taken by you?

A. No, sir.

Q. Were you present during the October election at the first precinct of the Fourth ward?

A. Part of the time; yes, sir.

Q. What portion of the time?

A. Well, in the morning about ten o'clock, and again in the evening about from three to five.

Q. How long did you remain in the morning when you went there?

A. Remained about half an hour.

Q. Are you a resident of that precinct?

A. No, sir; I am a resident of the second precinct.

Q. Who employed you to take this list?

A. We were not employed by any person, so speaking, but were requested to do it.

Q. Who requested you to do it?

A. Amos Smith.

Q. How much were you paid for your services?

A. Paid nothing.

Q. How long after you made your poll list was it that the others made theirs?

A. Just the same time.

Q. Who were the other persons?

A. Mr. Stagelman and Mr. Hallam.

Q. What portion did Mr. Stagelman take?

A. Mr. Stagelman took in the whole of Mt. Adams.

Q. What portion did Mr. Hallam take?

A. Mr. Hallam took in more of the northern district than myself—from Fifth street to Hunt.

Q. Who were the judges of the election?

A. What precinct are you speaking of?

Q. The first precinct.

A. Mr. David Jones was one; I am not certain who the other one was; I think Duffy was the other.

Q. Only two judges at the election?

A. Yes, only at that time.

Q. Who was the Democratic judge?

A. Duffy, I think; I am not certain.

Q. Do you know his first name?

A. Daniel, I think; I am not certain as to that.

Q. Do you know how many votes were polled at the October election?

A. I could not say positively; it was between eleven and twelve hundred in the first precinct.

Q. How many votes did you have in the first precinct according to your revised list?

A. According to our revised list, taking the names of all we had taken, there were thirteen hundred and ninety-five.

Q. Do you say that you found two hundred and seventy-seven names on the poll-books that were not on the lists that you had taken?

A. Yes, sir.

Q. Can you give any of the names?

A. I could not definitely now, no, sir. By referring to the back of that exhibit "A," there, I think I can tell you of several of them.

Q. What are these names in lead-pencil on the back of exhibit "A"?

A. They are part of the names which appeared on the poll-book we could not find in the ward.

Q. You say here in one of them, "Smith, John, six not accounted for."

A. There were six John Smiths on the poll-book not accounted for in the ward.

Q. What was this "one" for?

A. That was a "one" they put down instead of "seven."

Q. Then you say this list in pencil on the back is a list of the names that were on the poll-book of whom you can find out no account in your examination and polling of the ward?

A. That was a part of them; that was merely a memorandum as we checked them off.

Q. When was this memorandum put down?

A. That was put down there during our examination of the poll-book, about between four and five days after the polling of the ward. We worked at it continually all the time.

Q. Where is the balance of the names of the men you could not find?

A. That I could not say. I gave them to a party, and he has lost them I believe, or done away with them some way or other. I don't know what has become of them.

Q. Who was the party that you gave it to?

A. Gave them to Amos Smith.

Q. Do you know how many votes were polled at the November election in that way?

A. I do not, sir.

Q. What efforts did you make after you discovered that these names were on the poll-books—what further efforts did you make to ascertain their residences?

A. We looked in the Directory to see if we could find them out, but could not find them in the ward or in the Directory. We found several names that were in the Directory that corresponded with the names we could not find, but they were in other wards.

Q. When is the Directory usually made out?

A. The Directory is made out, I believe, in February and given to the public in June.

Q. You say you could find a good many of these names in the Directory?

A. Not a great many of them; very few of them.

Q. How many?

A. I think there were five or six that we could find in the Directory.

Q. Does the mere fact that a man's name appears in a Directory, made out in February, give any evidence that they are not residents of the ward in the next October?

A. I don't think it would; no, sir.

Q. When was this list that you refer to—marked in pencil—first made out?

A. Made out in the comparison between the poll duplicate that had been voted and the polling of the ward that we had taken.

Q. What efforts did you make, after you had taken your list you now speak of, to ascertain whether they were residents of the ward or not?

A. Well, as I have stated before, we looked in the Directory and inquired of parties that have lived in the precinct all their lives.

Q. From whom did you inquire?

A. Of William Pierce?

Q. What does he do?

A. Manager of a cotton factory there; employs a great many hands, and knows every person who lives in the precinct.

Q. How do you know he knows every person that lives in the precinct?

A. Employs about two hundred hands there, I guess.

Q. Are not a large portion of them females?

A. I don't know whether they are females or not; I could not say.

Q. It is a cotton factory, is it not—a place where females are usually employed?

A. Yes, sir.

Q. Who else did you inquire of?

A. Of William Freeman.

Q. Who is William Freeman?

A. He lives on Mount Adams—a gentleman I don't know much about. I was directed to see him.

Q. Are those all the efforts you made?

A. About all the efforts I made; yes sir.

Q. You say that when you came to compare your correct list with the poll-books that you discovered 277 names that could be found on the poll-books but you could not find their residence?

A. Yes, sir; 277 that could be found on the poll-books and could not be found in the ward.

Q. Did you compare the poll-book of the voters at the November election with this list?

A. No, sir.

Q. You say in your examination in chief that you went into every room in every house in which you supposed persons lived. What you mean by that?

A. Yes, sir. Well, there were some rooms that were there that we could not find nothing in, and we knocked at every door we came to.

Q. Have you given fully the names of all the streets you polled?

A. Yes, I have.

Q. Did you go any wheres, then, except upon the streets that you have mentioned?

A. No, sir; I did not.

Q. You are positive that you have mentioned all the streets which you have visited?

A. Yes, sir.

Q. Are there any alleys within the boundaries of those streets?

A. Not that I could find; no, sir.

Q. No alleys, nor any side streets?

A. No, sir. Yes, most of them were short streets. I have not polled any thing but what I have named.

Q. You say, then, there are no side streets beyond the streets, or else running off from any of these streets that you have named?

A. There is none but what I have named.

Q. You say you went into the rooms of the several houses—did you go into other places except the rooms and the houses themselves?

A. Yes, I went into every habitable place there was, and some that were not inhabited.

Q. Are there not persons within the boundaries that you have mentioned who resided in sub-cellars or cellars?

A. Precisely; yes, sir.

Q. Then you went into cellars?

A. Yes, sir, we went into every place to find any body living. I wish to make a little correction: there is one street—little Fourth street—which extends from Eggleston avenue to Helen street. There are only about three houses on the street, in fact.

Q. With that exception, you have named all the streets?

A. Yes, sir.

Q. Does this list, which is in writing, to which you have referred, contain the names of any persons who are not voters?

A. I think it does; yes, sir.

Q. How many?

A. Well, there is about five or six there, I think.

Q. Can you recognize any of them?

A. I think I can recognize three or four of them: I would not be too certain, though.

Q. Examine the list, and give the names of any whom you recognize.

A. One of them is John Epply, No. 331, and John Conway. I think that there were about ten on the list. Some of them, I think, I have taken off, and some I recognize. We took a list of all the names, in the first place. Among those names we found some minors and some men who had no vote, who were not naturalized. Well, I am not certain now whether we put those names down on this list or left them off. I could not say that positively. We put every name down whether he had a vote or not.

Q. Then will you state, as near as you can, in your judgment, how many names there are on that list now, that you have already presented, who were not qualified to vote either on account of their minority or being foreigners.

A. I think there are between fifty and seventy-five. I could not say accurately; I did not count them. That is a mere opinion.

Q. Can you say that there were that many?

A. I think there was; that is my opinion.

Q. Then the balance and the number on that list would be all the votes in that precinct?

A. I think they would; yes, sir.

Q. Then there is about one thousand two hundred and eighty-five (in your judgment) voters in that precinct, at least?

A. This list says so; it must be so.

Q. Are any of the names that are in pencil, marked on the back of the exhibit, included in the exhibit itself?

A. Yes, sir, there are, some portion of them, though we have checked them off on the poll-book and then checked them off there, and there are others that are on the poll-book that we can not find in our list. Just taken them off and counted them up on the back of the exhibit—compared them, in fact, with the poll-book. Could not find them in our list, so struck a list down on the exhibit.

Q. How many more names are there that you could not learn their residence besides the names you got on the back here in pencil?

A. Two hundred and seventy-seven.

Q. Then two hundred and seventy-seven names you could not find. Are a portion of them these names on the back of the exhibit?

A. Yes, sir; we just merely inserted them there temporarily.

Q. Where is the original list of these names?

A. That I could not say.

Q. Where did you last see it, and of whom did you get it?

A. I gave it to Amor Smith, at the Republican headquarters.

Q. Was this given to him previous to the November election?

A. I think it was; yes, sir.

Q. How long?

A. About two weeks.

Q. Where is the balance of the list of two hundred and seventy-seven names?

A. I can not find them.

Q. There is attached to exhibit "A" sixty-eight names, and marked at the head, "Error List." What does that mean?

A. It means this, that when each of us came in from our respective districts we had a list; we copied them off upon that, being the whole, but we missed this number of names, and we just took a copy of them and added it to these and then numbered them. That is the meaning.

Q. Then I understand you to say that these names on the error list are names which you had upon the original list, but in copying you neglected to copy these particular names?

A. Yes, sir; we missed them.

Q. Then these sixty-eight names are to be added to the total list of thirteen hundred and sixty?

A. Yes, sir.

Q. Making fourteen hundred and twenty-eight names in all?

A. Fourteen hundred and twenty-eight; yes, sir.

Q. Are any of these names on the error list a portion of the names that you could not find on the poll-books?

A. I think not; no sir.

Q. You are positive that these names on the crror list were originally on your first slips of paper?

A. Yes, sir; I am positive of that.

Q. You say this copy was made in your handwriting. Who assisted you to make it?

A. W. H. Hallam.

Q. State, if you know, how long the other parties were in making their lists.

A. They were the same length of time in making them.

Q. How long were you engaged in making the list?

A. About six days in copying and comparing.

Q. What do you mean by comparing?

A. Comparing this list with the poll-book; or, rather, the duplicate poll-book that had been struck off.

Q. Where did you get that duplicate poll-book?

A. We got it from the clerk's office.

Q. Who made it out?

A. I suppose it was made out under the supervision of Mr. Rydal.

Q. Can you swear to its correctness?

A. I can not; no, sir.

Q. Might not names have been left off in the same way that you left off names in copying yourself?

A. I don't see how they could do it. The poll-book was there so numbered, and naturally the duplicate must be of the same number as the original to make it correct.

Q. Do you know the number that was there?

A. I don't; no, sir.

Q. Then how do you know it was correct?

A Well, I compared the duplicate with the number of names that I knew had voted, that should have been on the original.

Q. Do you know if Mr. Hallam is in the city to-day?

A. I don't, sir.

Q. Have you looked for him?

A. I have.

Q. Do you know whether a subpœna has been issued for him to come here and testify in regard to his canvass of the ward?

A. I do, sir.

Re-direct Examination.

Q. State whether or not any person was arrested from the second precinct.

A. There was; yes, sir.

Q. Whom, and what for?

A. A man by the name of Hugh Foy, for illegal voting. He was bound over in th police court to appear before the grand jury, and an indictment has been found agains him. He is now waiting trial in the county jail.

Q. How do you know?

A. I am one of the prosecuting witnesses.

Q. That is in the second precinct of the Fourth ward?

A. Yes, sir.

Q. Who had him arrested?

A. John Martin.
Q. One of the judges?
A. Yes, sir.

Signed. GEORGE D. SCHATZMAN.

COMMONWEALTH OF KENTUCKY.

To the Sheriff or any Constable of Kenton County:

You are commanded to summon Wm. H. H. Reed to appear before me forthwith, at the law office of L. J. Blakely, Esq., No. 517 Madison street, in the city of Covington, county of Kenton, and State of Kentucky, to give his deposition in the matter of Joseph Cox v. Judson Harmon, pending before the Senate of the State of Ohio.

Witness my hand, this February 24th, 1877.

WM. D. BRENT,
Notary Public, Kenton County, Kentucky.

Executed on the within-named party February 24th, 1877.

J. GILLIGAN,
Constable Kenton County.

Fee: 25 cents. Paid by Laurie J. Blakely, counsel for contestee.

COMMONWEALTH OF KENTUCKY.

To the Sheriff or any Constable of Kenton County:

You are commanded to summon Miles Lacey, William Cline, Wm. L. Grant, Jr., C. C. Scales, and Chas. W. Temple to appear before me, Friday, February 23d, 1877, at 9 o'clock A. M., at the law office of Laurie J. Blakely, No. 517 Madison street, in the city of Covington, county of Kenton, and State of Kentucky, to give their depositions in the matter of Joseph Cox against Judson Harmon, pending before the Senate of the State of Ohio.

Witness my hand, this February 22d, 1877.

WM. D. BRENT,
Notary Public, Kenton Co., Ky.

Executed February 23d, 1877, in full, except William Kline, not found.
Fee: $1.00.

J. G. FRANCIS,
Deputy Constable, Kenton Co.

The State of Ohio, Hamilton County, ss:

Joseph Cox, Contestant, *v.* Judson Harmon, Contestee. In the Senate of Ohio.

The contestant will take notice that on Friday, the twenty-third day of February, A.D. 1877, the contestee above named will take the depositions of sundry witnesses, to be used as evidence on the trial of the above cause, at the office of Laurie J. Blakely, over

First National Bank, No. 517 Madison street, Covington, in the county of Kenton, in the State of Kentucky, between the hours of eight o'clock A.M. and six o'clock P.M. of said day; and that the taking of the same will be adjourned from day to day, between the same hours, until they are completed.

C. W. COWAN, *of Counsel for Contestee.*

Done this twenty-first day of February, 1877.

BUCHWALTER & CAMPBELL, *Attorneys for Contestant.*

FRIDAY, February 23, 1877.

By consent of parties this notice is extended until Saturday, February 24, 1877, between the same hours and at the same place.

SMITH STIMMELL (for Buchwalter & Stimmel.)

Deposition of witness, taken before me, Wm. D. Brent, a notary public, within and for the county of Kenton, in the State of Kentucky, pursuant to the annexed notice and agreement, and at the time and place therein specified, to be read in evidence on behalf of the contestee, in an action pending before the Senate of the State of Ohio, in which Joseph Cox is contestant, and Judson Harmon is contestee, ——— Cox, Esq., being present on behalf of contestant, and L. J. Blakely, Esq., on behalf of contestee.

Jas. A. P. Sanaford, of lawful age, being by me first duly sworn, deposes and saith as follows:

Q. By Laurie J. Blakely, counsel for contestee: State your name, age, residence, giving length of time, etc., as to residence, etc.

A. Name, James A. P. Sandford; age, 29 years; residence, No. 34 West Ninth street, Covington, Ky., and have so resided for about twelve years.

Q. Where were you on the tenth day of October, 1876?

A. From about nine A.M. till about 6 P.M. I was in Cincinnati, Ohio.

Q. What, if any thing, was being done or held in Cincinnati, Ohio, on that day?

A. It was State election day.

Q. State whether or not on that day, in that city, you saw any negroes whom you knew; state about how many, where you saw them, where they resided on that day, and what were they doing, if any thing.

A. Yes. I saw a good many negroes there whom I knew. I judge I saw between twenty-five and thirty negroes whom I knew, most of them were at the Four's engine house, and saw some near a corner, at Main and Seventh or Eighth street. I think it was Main street; at a voting place, any how. I also saw several at the Six's engine house, near the Little Miami depot. They seemed to be electioneering or soliciting votes; one or two of them had tickets in their hands.

Q. You have not yet stated where those negroes resided on that day.

A. I saw a great many there that resided here in Covington. Those of whom I spoke above resided here in Covington, Ky., on that day.

Q. What kind of tickets did they have that day?

A. I noticed one, and probably two or three, who had Republican tickets.

Q. Please state how many you seen at the engine house on Sycamore street, as near

the number as you can, and locate the engine house as near as you can where you saw these negroes.

A. There must have been ten or fifteen there. The engine house is on the east side of Sycamore, between, I think, Sixth and Seventh streets.

Q. How many did you see at the voting-place on Main street?

A. Three or four.

Q. How many did you see at the voting-place near the Little Miami depot?

A. Some seven or eight.

Q. How do you know they were residents of Covington, Kentucky, on the 10th day of October, 1876?

A. I have known them to live around here, and know them by sight, and know them to have voted here—a majority of them at an election previous to that, and since, too.

Q. Please give their names, or the names of as many of them as you can.

A. One named Gray—I don't know which one it was, there are three of them, Dan, I think, is his name; Bunty Parker, Allen Johnson; I know his name is Johnson, but not positive as to his first name; I believe these are all the names I can remember.

Q. Please state, as near as you can, where the parties you have named reside, and where those you have not named, reside; give the streets and numbers, as near as you can.

A. Parker lived at that time on Short Eighth street; Johnson, I don't know where he lived, I think he was imported here; there were several who lived down in Jail alley, and some lived at the corner of Sixth and Main streets; Gray, I think, lived in Jail alley, I don't know that; I saw several from the alle between Ninth and Tenth streets, leading from Washington street to Madison street.

Q. When you say they lived at the different places you have named above, you mean that you have seen them around the different places you have named, do you not?

(Question objected to by counsel for contestee, because it attributes to witness a meaning which he has not expressed.)

A. No, I mean that they lived there; most of them.

JAMES A. P. SANDFORD.

The State of Kentucky, County of Kenton, ss:

I, William D. Brent, a Notary Public in and for the County and State above named, duly commissioned and qualified, do hereby certify that the above named James A. P. Sandford was by me first sworn to testify the truth, the whole truth, and nothing but the truth, and that the deposition by him subscribed, as above set forth, was reduced to writing by me, who is not interested in the suit, in my presence and in the presence of the witness, and was subscribed by the said witness in my presence, and was taken at the time and place in the annexed notice specified, and was continued from day to day, as above set forth; that I am not counsel, attorney or relative of either party, or otherwise interested in the event of this suit.

In testimony whereof, I have hereunto set my hand and official seal this 24th day of February, A. D. 1877.

[SEAL.]

WM. D. BRENT,
Notary Public, Kenton county, Kentucky.

CONTESTED ELECTION CASE.

COX v. HARMON.

EVIDENCE, ETC., IN THE CONTEST OF COX v. HARMON, IN THE FIRST JUDICIAL DISTRICT, HAMILTON COUNTY.

George D. Schatzman being recalled testified:

Q. By C. W. Cowan. When did you make this list?

A. I made it about—well, I suppose it was between three and five days after the election.

Q. It was a copy of this list you gave to Mr. Smith?

A. No, it was the names of the two hundred and seventy men whose names appeared on the poll-book, and could not be found in the ward.

Q. When did you take off these names here? When did you put down these names in pencil?

A. That was when we were comparing it.

Q. Where is the balance of the names that you took down?

A. Well, I could not say. That is what we were speaking of. I gave them to Mr Smith.

Q. Did you give the copy or the original?

A. The original. I kept the copy.

Q. How came you to copy this portion of it?

A. I merely put that down there temporarily, so as not to trouble us much in taking them off.

GEO. D. SCHATZMAN.

John Harris, colored, of lawful age, being duly sworn, testified as follows:

Q. State your name, age, residence, and business.

A. John Harris; thirty-three years of age.

Q. You voted on the 10th day of October, 1876?

A. Yes, sir.

Q. Where did you vote?

A. Down on Central avenue, corner of Central avenue and Fourth street, first precinct, Eighteenth Ward.

Q. Do you know of any other colored men residing at that precinct of the same name that you have?

A. I do not.

Q. Where did you give your residence on the day that you voted?

A. 220 West Fifth street.

Q. Were you challenged?

A. I was.

Q. Do you know Kelly, that testified in this case for the contestee on last Thursday?

A. No, sir.

Q. You are certain you did not give yoor residence as being at Fay's stable?

A. I am.

Q. When challenged what was done? Where did you go?

A. I went back to my residence, to prove my residence.

Q. Who went with you?

A. Why, there was a colored man, and two or three white men.

JOHN HARRIS.

Michael Ryan, of lawful age, being duly sworn, testified as follows:

Q. By T. C. Campbell. State your name, age, and residence.

A. Michael Ryan; thirty-four years; New York.

Q. Mr. Ryan, please state where you were on the 10th day of October, 1876, the day of the State and county election in this city.

A. I was here in town.

Q. How long previous to the election had you been here?

A. I had been here—in fact I may say I was here off and on a month previous to the election.

Q. Where were you stopping?

A. Part of the time I stopped on Fifth street.

Q. Whereabouts on Fifth street?

A. 105, I think; a few doors above the Empire.

Q. State what part, if any, you took in the State and county election held on the 10th of October.

A. Well, the action that I took in it—a party came to me and asked me would I assist them, help them along, on election day. I told him I would. Next morning I met a party of people in front of Hunt's saloon; said they would take coffee, and went in and had breakfast. Met six or seven more at the Fountain, there right up from Hunt's. They went up, I guess it was about half-past six in the morning, went up towards the Fourth ward—I think that was the name of the place—and voted there.

Q. Who did you see at the Fourth ward that you knew?

A. Well, I didn't see any one particularly. I am not acquainted with this town much. People was along with us.

Q. State whether or not you saw Eph. Holland.

A. Yes, I believe I did. The gentleman up there at the polls.

Q. How many was in the party that you were with at the Fourth ward?

A. I guess there must have been ten or twelve; may have been fifteen. Pretty sure there was ten.

Q. Who had charge of the party?

A. Well, a man by the name of Condon had charge of the party.

Q. State whether or not you saw this man with Eph. Holland.

A. I saw him talking to him, yes.

Q. State fully what you did at the election, and what you saw done.

A. Well, they voted in several places up in that part of the city that morning, and voted in several polling districts till about eleven o'clock. A man came along and gave the tickets. I saw them all go in to vote.

Q. Till about eleven?

A. Yes.

Q. Any thing special occurred about that time?

A. Yes, there was; nothing only we came back, went up that way, and there was

an attempt made to arrest one of the parties and he got away, and we all split up then. We went to get some dinner, Whitton, Young, and them people along. Then Condon came to me, went over to see Holland; said it was the best thing to make a new gang, and me to take charge of them.

Q. Where did you meet Whitton?

A. Met him in the morning at Hunt's. He was there with Young and a fellow by the name of Brown, and a little fellow named Conway.

Q. Do you mean Conway of New York?

A. Not him. The man was born here and lived in this town—a little bit of a fellow.

Q. Had you any thing to do with the management of the gang in the morning?

A. No, sir; I had nothing at all to do with it.

Q. What did you do in the afternoon?

A. In the afternoon? I had about eight men along with me in the afternoon.

Q. Where did you go?

A. Well, we went down as far as Third street, I think it is, and went down till we came to the end of it, and then to a street with a wooden pavement, and I think over there voted the whole ticket.

Q. Where did you go to vote?

A. I think it was in a coal-office, if I am not mistaken. I think it was a street with a wooden pavement. I don't know any of the streets here.

Q. Where did you go from the coal-office on the wooden pavement?

A. We went along and crossed over the railroad track, I believe; went up on the right hand side, and followed that street up, I think it was four or five blocks, and went to an engine-house there, I think it was, and we voted in there.

Q. What ticket did you vote at the various places where you had voted?

A. Democratic ticket we voted.

Q. Were there any other names written on the ticket than those that were printed there?

A. Not that I know of.

Q. Where did you go from the engine-house? What kind of a street was in front of this engine-house?

A. It was the same street that the coal-office was on.

Q. What pavement was it?

A. A wooden pavement.

Q. Where did you go from there?

A. We went up about four or five blocks from there; there was a park there, if I am not mistaken; there was a polling place there; we voted there.

Q. How many voted there?

A. Well, six voted there; two didn't.

Q. Where did you go from there?

A. We followed that street up I guess about four blocks more. I think it was in a lager-beer saloon; we voted there.

Q. Where else did you go?

A. Well, we went up to another place on the same street. I think we voted in four or five places on that street—across, I think, the horse railroad track.

Q. How many polling places did you vote at on that street?

A. Five, if I am not mistaken; four or five, to the best of my knowledge.

Q. Have you any idea of the total number of votes that were cast?

A. Well, I think—it seems to me at the least twenty-eight or thirty votes cast.

Q. Do you mean in the forenoon or afternoon?
A. Afternoon I am talking about.
Q. What time did you quit?
A. About four o'clock.
Q. Where did you go then?
A. I come to go back and was arrested.
Q. What was done with you?
A. Locked up, and got out that night.
Q. How did you get out?
A. Bail offered.
Q. What name did you give when you was arrested?
A. I think it was the name of Johnson, if I am not mistaken. I had a pretty good load of whisky.
Q. Who went on your bond?
A. I could not tell you.
Q. State whether or not it was a man named Joyce?
A. That I don't know.
Q. Who procured the bondsmen for you?
A. I think it was Condon.
Q. Do you know whether or not it was Holland?
A. It might be through Holland.
Q. What did you do after you were released from the station-house?
A. Came down and went up to Jack Augs'. Got pretty full that night.
Q. How long did you remain in the city?
A. I remained a few days afterwards.
Q. State whether or not you were paid any thing for your work.
A. Didn't receive any thing for my work—had money of my own.
Q. Where did you go after leaving this city?
A. I went east.
Q. Where to?
A. To New York.
Q. How many different times do you recollect of voting?
A. Well, I might have voted eight or nine times for all I know.
Q. How did you happen to be here now?
A. I was arrested in New York.
Q. You did not return voluntarily, did you?
A. No, sir; I did not.
Q. Can't you be more specific than you have been about the places you were in and the persons you met?
A. It was the first time I have ever been here. I don't know.
Q. What were you doing around here?
A. I came on to witness that fisticuffs in Kentucky.
Q. What fisticuffs do you refer to?
A. In Kentucky—the Goss and Allen fight.
Q. Did you remain from the time of the Goss and Allen fight till the election?
A. I went up to Peoria, Illinois; from there to Indiana, and came back here; got here about a week before the election—went up to the fair there.
Q. Where did you pass your time while in this city?
A. Down in the Empire, generally.

Q. Have you any connection with the business of the Empire?

A. No, sir; none whatever.

Q. Can you give me the names of any parties that were with you in the matter of voting?

A. I didn't know any body but Condon and Young and a fellow of the name of Whitton—I think he was along—and a fellow named O'Bryan.

Q. Do you know Jim White?

A. I know him—yes—if I see him.

Q. How long have you known him?

A. Before I came to town.

Q. State whether or not you knew him on election day.

A. I have seen him on election day—that is all.

Q. Where did you see him?

A. I believe I seen him up around the Fourth ward in the morning.

Q. You did not remain with him all morning?

A. No, sir.

Q. You say you were not paid any thing?

A. I got twenty dollars from a man on election morning.

Q. Who was the man?

A. A fellow on here from New York—a man named Gleason.

Q. Do you know George Fairchilds?

A. I was introduced to him by Mr. Holland. That is all I know about him.

Q. What is your business?

A. A monte man.

Q. What do you mean by "a monte man"?

A. A man that gambles from two to three cards 'round on railroad trains, boarding places, and so forth.

Q. Do you know Duke Fleming?

A. No, sir; I do not.

Q. Do you know Duke Hill?

A. I have heard of both of them, but I don't know him.

Q. Do you know any thing about what part they took in the election?

A. No, sir; I do not, only by hearsay. That is all I know.

Q. Have you been employed by Holland in any way?

A. No, sir.

Q. I mean in connection with his gambling business?

A. No, sir.

Q. Under what bond were you placed in New York?

A. They wanted fifteen thousand dollars for me; that is what the marshal told me. None of my friends could raise it, only one man. They put me in a close carriage and drove me off.

Q. What is Gleason's business, of whom you have spoken?

A. An emigrant runner—a sailor runner; goes out to ships.

Q. Are you acquainted with Smith Weed?

A. No, sir.

Q. How long have you lived in New York?

A. All my life—off and on there.

Q. And don't know Smith Weed?

A. I have heard of the gentleman, but don't know him.

Cross-examination.

Q. What is your business?

A. I am a druggist by trade.

Q. Whereabouts were you engaged in the drug business?

A. Have not worked at it for a number of years.

Q. What have you been doing for the last four or five years?

A. Sporting man—gambling.

Q. Followed gambling for your business the last four or five years?

A. Yes, six years in business in San Francisco; in business there about eight or nine years ago.

Q. What kind of gambling do you follow?

A. Well, keeping dollar stores at fairs—throwing three-card monte.

Q. Do you play at keno?

A. Yes, I have played keno.

Q. Play faro?

A. Yes.

Q. All those games of cards for money?

A. Yes, sir.

Q. Been keeper of any of these banks?

A. In this part of the country?

Q. In New York?

A. No, I was out of New York. I was interested in a house in Newark six or seven years ago; had a faro bank there.

Q. When was you first approached to vote at the election?

A. It was—I think it was—a couple of days before the election.

Q. By whom?

A. By a man named Condon—a friend of Holland's, I believe.

Q. Where was it?

A. At the Empire.

Q. Where was it you stayed while you was here that week?

A. First I stopped a couple of doors up above the Empire.

Q. You slept there?

A. Yes, sir.

Q. Where did you spend most of your time?

A. Around the Empire.

Q. What doing?

A. Nothing, as a general thing.

Q. As a special thing?

A. Well, I was not in the town all the time. Most of the time I was up at Peoria, Illinois, for awhile.

Q. A week before the election?

A. Was not doing any thing; drinking whisky most of the time, perhaps.

Q. How often did you drink in a day?

A. Maybe eight or ten times a day.

Q. Were you drunk on the day of the election?

A. In the afternoon.

Q. What time in the afternoon did you get drunk?

A. I was pretty full when I was taken to the station-house.

Q. How long did you stay full?

A. I didn't get really drunk till that night; I got out.
Q. You first met some men in the morning, about six o'clock, at Hunt's?
A. Yes, sir.
Q. What men did you meet there?
A. Young, this Whitton, Condon, and a fellow named Conway.
Q. O'Brien?
A. I think there was a man named O'Brien.
Q. Where did you go after you left Hunt's?
A. I went into Hunt's and got coffee.
Q. Where did you go then?
A. Right on the corner opposite the Fountain. We got five or six more.
Q. Who were they?
A. I don't know who they were—strangers to me.
Q. Did you know none of them?
A. No, sir.
Q. Did you hear their names?
A. No, sir; not any.
Q. You went along with them?
A. Yes, sir.
Q. Where did you go after you left the corner?
A. Up there to the Fourth Ward.
Q. How did you go?
A. We walked along—two or three together.
Q. All in a gang?
A. No, separate; walked a distance between one another—may be twenty or thirty feet apart. Some went on one side of the street, some on the other.
Q. Were Whitton, Young, and O'Brien all in the ward there?
A. Yes, sir.
Q. Where did you get your tickets?
A. I don't know; the tickets were handed to us by Condon.
Q. How many tickets were handed to you?
A. One apiece.
Q. Were they folded up?
A. Yes.
Q. Did you open them?
A. No, sir; I didn't open them in the Fourth Ward. They told me it was a Democratic ticket.
Q. Where were they handed to you?
A. On the corner, away from the polls.
Q. Had you seen Holland before they wanted you?
A. I saw Mr. Holland standing across the street when we went up to vote.
Q. How were you dressed?
A. Dressed in the same clothes—hat and coat; drab suit of clothes I had on; black hat on.
Q. Did you vote the ticket handed you?
A. Yes, sir.
Q. Was it folded up and handed to you?
A. Yes, sir.
Q. You put it in as it was handed to you?

A. Yes, sir.
Q. Did you see the inside of the ticket?
A. I didn't take particular notice to it; no.
Q. Who voted first?
A. I think it was Whitton or Young voted first in the Fourth Ward.
Q. What name did Whitton give?
A. I don't know; I could not tell.
Q. How close were you to him when he voted?
A. Young was between him and me when he voted; that is what I think.
Q. Who was next to you?
A. I don't know who was next to me.
Q. Did you see them as they came off from the gangway?
A. No; I walked down to the corner as soon as I voted.
Q. Did they vote one after the other?
A. Yes, sir; just as fast as they could get in.
Q. You, and Condon, and Whitton were all on the gangway at one time, were you?
A. Yes, sir.
Q. Were others on the gangway at the same time?
A. Might be some other people between them.
Q. You say you walked to the polls, twenty or thirty feet apart, in gangs of three?
A. Yes, sir.
Q. Who walked with you?
A. Young walked with me.
Q. Who else?
A. Condon walked with me.
Q. Who came next?
A. That I can not tell you; all walked up together.
Q. Where did you get together?
A. Got together on the corner.
Q. Did you all get together?
A. Well, yes, most of us got together; the rest of us followed behind.
Q. All started up to the polls at the same time, one after the other?
A. One went up a little ahead of the other.
Q. Now, then, did you see Holland there?
A. I seen Holland across the street from the polls.
Q. Did you see Gleason there?
A. No, sir.
Q. What time was it you got to the polls?
A. Very near seven o'clock.
Q. What name did you give?
A. That I could not tell you. I think it was Johnson when I was arrested.
Q. Did you give your own name each time, or some other name?
A. Some other name.
Q. Can you tell any name you gave?
A. No, I can not. I didn't exactly think of any name I did give.
Q. Where did you go from there?
A. We went round that way; I don't know where the devil it was; voted; stayed around there; went to three or four places—five or six—around that neighborhood.
Q. How long did you stay at the Fourth ward, the first place you went to?

A. Might have stayed there half an hour—till when we got through.

Q How long were you engaged in voting there?

A. Well, I should say may be fifteen or twenty minutes in all.

Q. Where did you go then?

A. Well, I am blest if I know. They took me around to some other polls, somewhere.

Q. Can you describe the place?

A. No, sir; I didn't pay much attention; was not in any way interested.

Q. Was it on the corner of any street?

A. I think the polls was in the middle of the block, or a few doors from the corners.

Q. What kind of a house?

A. I think one of them was a wooden house; I can't be positive.

Q. Was it up or down the street?

A. A cross street. I ain't acquainted with that section of the town.

Q. Did you go up the hill or down the hill?

A. Up the hill.

Q. How many squares?

A. Blest if I know; didn't pay much attention.

Q. Who went with you?

A. All those people stayed together; all went with us.

Q. This same gang?

A. Yes, sir; I was one of them myself.

Q. Where did you get your tickets from?

A. Condon had the tickets; he had a pocket full of them.

Q. Where did he hand them to you?

A. On the corner generally; a little before we got to the poll.

Q. Did he fold them up when he handed them to you?

A. We voted them folded up.

Q. Did you vote them folded up?

A. Yes, sir.

Q. Were all the tickets handed to the different parties folded up?

A. I don't know; I am only answering for myself.

Q. Did you see others get their tickets?

A. Yes, I seen a couple of them get their tickets.

Q. Who did you see get their tickets besides yourself?

A. Young and Whitton.

Q. Were they folded up?

A. Should judge so.

Q. Did you open your ticket?

A. No, sir.

Q. Did you see the inside of it?

A. At this place I did not; I was opening this one, but I could not tell the names o the candidates on them.

Q. Where was it that you opened them once?

A. I think it was the third place we went to; I was surprised; I thought there was only one candidate; I seen a whole lot of names on, didn't pay much attention to the names. In New York we got Congressional tickets with different boxes for them there; here is one box for all tickets; that drew my attention to it.

Q. You say you can not tell the names of any on the ticket?
A. Not positively; I could not say they were handed to me.
Q. But the first tickets you voted without noticing the inside at all?
A. Yes, sir.
Q. Condon gave you the third lot of tickets?
A. Yes, sir.
Q. Gave you the tickets in the morning, folded up?
A. Yes, sir.
Q. Did the whole of them vote there at the polls?
A. I can not say; to the best of knowledge they did.
Q. Was Whitton there?
A. Yes, Whitton was there, and so was Young.
Q. And Condon?
A. Yes, sir.
Q. O'Brien?
A. Well, I think O'Brien was there.
Q. At the third place?
A. Yes, sir.
Q. Did you go from the first place that you voted to the second?
A. Well, some went up, and some went there.
Q. Who went in front?
A. Well, from the first to the second I think it was Condon and Whitton.
Q. Who came next to you three?
A. That I can not tell.
Q. How far off were they from you?
A. Ten or fifteen feet, about some twenty, I could not exactly say.
Q. Who went up to the polls first at the second voting place?
A. I think at the second voting place Condon, Whitton, and myself together, and the rest followed along.
Q. I mean who went up to the gangway?
A. Condon and Whitton and myself, I think it was.
Q. Who did you see vote first?
A. I think it was Condon.
Q. Who voted next?
A. I think it was Whitton next, and I afterwards.
Q. Did anybody vote between you three?
A. No.
Q. Do you know who voted next after you?
A. No, I don't.
Q. Was it one of the same gang?
A. Well, I didn't pay no attention; I walked right away.
Q. How long were you at that place?
A. Might be half any hour there, may be longer—three-quarters of an hour.
Q. How did you go to the third place?
A. Well, to the third place some part of them split off, going to the third place; we went in about the same order.
Q. Which parties stayed off?
A. That I could not say; I think going to the third place Whitton and Young and

that party; I think they stayed off going to the third place; they went away; six or eight of us went to the third place; there was too much of a gang together.

Q. Which party remained with you?

A. Well, Condon remained with us; the other five or six I don't know who they were

Q. Did Whitton remain with you?

A. No, sir, he went away.

Q. Did Young?

A. No.

Q. Did O'Brien remain with you?

A. No.

Q. Did you meet Young, O'Brien, and Whitton after that?

A. Yes, sir.

Q. Where?

A. I met him about—I guess it was about half-past eleven o'clock.

Q. How long did you remain at the third place?

A. I remained around there I guess a couple of hours; that is, went from one place to another.

Q. When you got to the polls there, when did he hand you the ticket?

A. I think about half an hour—somewhere in that neighborhood.

Q. Where did you spend that time?

A. Some saloon, I think.

Q. How often had you drank up to that time?

A. Three or four times.

Q. Can you describe this third place you went to?

A. No, I can not; I ain't got no idea of the third place I went to.

Q. Can you tell what direction it was from the first to the second?

A. I think it was north-east.

Q. Then you first went from the first polling-place?

A. North.

Q. Then which way did you take to the third polling-place?

A. North-east.

Q. Can you describe where that polling-place was?

A. I can not.

Q. Was it on the corner of the street?

A. No, it was not; none of the places that I went to was on a corner.

Q. Was it a brick building?

A. I can't tell whether it was or not; didn't pay any attention to the buildings.

Q. You say you remained at the third polling-place about two hours?

A. I did n't remain there. I remained in the locality about an hour and a half.

Q. Now, then, where did you go next?

A. Well, I came away from there, and I went west—the engine house about one hundred feet from Sixth and Vine.

Q. Who went with you there?

A. Well, there were five or six of us went there.

Q. Did Condon go with you there?

A. Yes, sir.

Q. Was Whitton there?

A. No.

Q. Was O'Brien there?

A. I think O'Brien was one of them there.
Q. Was Young with you there?
A. I am not positive; I don't know; I can not say Young was there with me.
Q. How long did you remain there?
A. Well, I remained there half an hour—three-quarters I guess.
Q. Where did you go from there?
A. I left the party there.
Q. Who voted first there?
A. I think it was Condon voted first there, if I am not mistaken.
Q. Who voted next?
A. I think I voted next myself.
Q. Who voted next?
A. I don't know; I came away.
Q. You only saw two votes polled there?
A. Yes, sir; that is all. They told me they all voted. I stood there and saw them going to the engine house, and stood on the corner and saw them go in on the gang-plank.
Q. You saw them go in on the gang-plank?
A. There were two of them standing together, and then there were some men between the two men; they were waiting to go in on the gang-plank. There were some people around there.
Q. Then you say that you only stayed by the polls and saw two?
A. Yes; that is, what handed them tickets. I seen he handed tickets—saw them go in.
Q. Were the tickets folded handed to you the same as the others?
A. Yes, sir.
Q. And you voted them without looking at them?
A. Yes, sir.
Q. Did you see him give tickets to the others that you say voted?
A. Yes, sir; I seen him give tickets to them.
Q. All at the same time?
A. Yes, sir.
Q. Was there a crowd round the corner when he handed them to you?
A. There was people around the polls—not very many.
Q. How many did you say, then, there were since you voted there?
A. Five or six; yes, six; I am sure it was six.
Q. Can you give the names of any of them?
A. No, sir; except myself and Condon.
Q. How long did you remain there after you see them?
A. Half an hour.
Q. How long were they engaged in voting—these six?
A. Just as soon as they got through, I left the party then.
Q. Where did you go to?
A. Went to the Empire.
Q. What time was it that you got to the Empire?
A. Well, I don't know, I should judge, I guess it was eleven o'clock.
Q. When did you say you started in the morning?
A. About seven o'clock.
Q. Who went to the Empire with you?

A. Nobody; I went alone; I slid out from the party then?

Q. Where did you leave Condon?

A. On the corner talking with the other people.

Q. When did you next see Whitton?

A. I met Whitton I guess it was about twelve o'clock, little after. Told me he was going to get something to eat.

Q. Where did you meet him?

A. Here, in front of Hunt's. I remember I went to Hunt's to get something to eat.

Q. Did he go in?

A. No, he didn't go in.

Q. Who was with him?

A. There was no one with him; he was by himself.

Q. Did you see him again that day?

A. Yes, I seen him; I guess it was about three-quarters of an hour afterward.

Q. Where was it you saw him?

A. I saw him on the corner of Vine and Fifth. Condon was there, and I believe Young was there, if I am not mistaken. I think there were some more people there I didn't know.

Q. Where did you go from there?

A. Well, Condon came to me and says, "Here, I got a party from there—from the corner here." Condon and him says, "I will get you a party to go with you. You had better take them around the rest of the day yourself." He gave me tickets. I believe it was eight of us went together. Young nor Whitton was not among those. There was six men, Condon, and me.

Q. Can you name any of the men except Condon?

A. No, sir; I did not know their names. Some of them I am blest if I know who they were.

Q. Did you hear their names at all?

A. No.

Q. How many was there in the party that started with you?

A. There was eight of us with me in the afternoon.

Q. Where did you get your tickets?

A. Condon got the tickets.

Q. Did he still have them in his pocket?

A. He went and got them—some in his pocket and some in his hand.

Q. Were they all folded when handed to you?

A. Yes, sir.

Q. When handed to the others?

A. Some times he gave them, other times I gave them.

Q. Did you see him give them to the others?

A. Yes, sir.

Q. They were all folded?

A. Yes, sir.

Q. Voted as folded.

A. Mine was folded.

Q. Didn't examine?

A. No, sir.

Q. Don't know whose name was on them?

A. No, sir; I didn't know whose name was there.

Q. Now, then, how did you know you started down the street?

A. Started down towards Third street.

Q. Which direction did you go when you got to Third street?

A. West on Third.

Q. How far did you go west on Third?

A. I should judge about four or five blocks—blest if I know. I think it was six blocks. We went down till we came to a coal-office on a street with wooden pavements on. There was a coal-office there—that is the reason I took notice of it.

Q. What kind of a building was the polls held in?

A. In this coal office.

Q. Was it on the corner of the street?

A. No; very near the corner.

Q. Was it on the same street that had wooden pavement?

A. Yes, sir.

Q Who voted first there?

A. I think it was one of the other party voted first there. Condon went in, and after he went in I went in and voted.

Q. Were you all three on the gangway the same time?

A. One party went in first, and then Condon and me got in the gangway.

Q. How long after you got off was it that the others got on?

A. I should judge about ten minutes.

MICHAEL RYAN.

IN THE SENATE OF OHIO.

The State of Ohio, Hamilton County, ss:

JOSEPH COX, Contestant, *v.* JUDSON HARMON, Contestee.

The contestant will take notice that on Wednesday, the 21st day of February, A.D. 1877, the contestee above named will take the depositions of sundry witnesses, to be used as evidence on the trial of the above cause, at the city workhouse, in the city of Cincinnati, in the county of Hamilton, in the State of Ohio, between the hours of nine o'clock A.M. and twelve o'clock M. of said day, and that the taking of the same will be adjourned from day to day, between the same hours, until they are completed.

C. W. COWAN,
Of Counsel for Contestee.

Done this 20th day of February, 1877.

BUCHWALTER & CAMPBELL,
Attorneys for Contestant.

Depositions of sundry witnesses taken before me, John K. McCann, a Notary Public within and for the county of Hamilton, in the State of Ohio, pursuant to the annexed notice, and at the time and place therein specified, to be read in evidence on behalf of the contestee, in an action pending in the Senate of the State of Ohio, in which Joseph Cox is contestant and Judson Harmon is contestee, M. L. Buchwalter being present on behalf of contestant, and H. E. Randall on behalf of contestee.

Robert Minns, a witness of lawful age, being by me first duly sworn, deposes and saith as follows:

Q. By H. E. Randall, the counsel for contestee. State your name, age, and where you now live, and what is your occupation.

A. Robert Minns; aged 32. I am now confined in the workhouse. My occupation is porter on a Pullman sleeping-car.

Q. In what part of Cincinnati do you reside, and how long have you lived there?

A. On McAlister street. I have lived there three years.

Q. Were you in the city of Cincinnati at the State election, October 10, 1876? and if so, did you attend any polls on that day? and if so, where, and for how long?

A. I was there at the second precinct of the Fifth Ward, from 11 o'clock, off and on, till the close.

Q. Did you visit any other polls on that day?

A. Yes, sir. I visited the Fourth Ward poll, at Lock street, in one of those small frames, in front of the hospital.

Q. State whether or not you know of any illegal voting at said election, October 10, 1876; and, if so, state all the particulars, and time and place where the same occurred.

A. I do. There was five colored men and one white one; they came in the second precinct, Second Ward; I saw them vote the Republican ticket, and then go to the first precinct of the same ward.

Q. Well, did they do anything there?

A. They voted there, sir; I followed them up to have them arrested, when I was interfered with by a colored man; there were so many there I was afraid to do anything.

Q. Did you see them go to any other polls?

A. I didn't see them after they left the engine-house on Third street; I went up to Lock street to see if I could catch them there.

Q. How many times did you see them vote?

A. Twice, I am sure, at the second precinct; then they went up to the first of the Fifth Ward.

Q. Do you know what ticket they voted? and, if so, how do you know it?

A. The Republican ticket; I seen them, sir; I tried to get them to exchange.

Q. Did they vote the Republican ticket at both polls?

A. Yes, sir; that is the reason I tried to get them arrested, when a colored man interfered; I tried to get them to exchange tickets.

Q. State whether or not you saw them at the engine-house on Sycamore street, near Eighth, that day.

A. Yes, sir.

Q. Do you know whether they voted there?

A. I saw one coming off the stand when I got there; I couldn't say whether they voted there.

Q. Do you know who these five colored men and the one white man are?

A. No, sir. I think I've seen one or two of them down at Pickett's.

Q. Do you know whether or not they were residents of and voters in the Fifth Ward at the last October election?

A. I don't think they were, sir. I think I've seen the white man once or twice. I'd know him if I were to see him again.

Q. If they had lived in the Fifth Ward for six months, or a year, previous to the October election, would you have known it?

A. Yes, sir.

Q. Did you see those men, or either of them, at any time previous to the October election, other than the two you saw at Pickett's? and if so, when and where?

A. I never seen them before—only them two.

Q. Would you know them should you see them again?

A. Yes, sir; I think I should. I have seen that white man, I think, before.

Q. Did you see each one of the five colored men, and the white man with them, vote at the two precincts of the Fifth Ward at the October election, 1876, as you have stated?

A. Yes, sir.

Q. Do you know of any other illegal voting, other than you have testified to?

A. No, sir; only what I seen myself and have stated.

Cross-examination.

Q. By M. L. Buchwalter, counsel for contestant. What is your occupation?

A. I run on the O. and M.; I run on the broad gauge; I run on the Wabash—I am a railroad man.

Q. On what road were you running in the months of September and October?

A. I was sick, at home; I came here in July; I came from Lafayette, Indiana, in August.

Q. Were you sick in October?

A. I wasn't very well; I hadn't gone to work; I was about, though.

Q. How long were you under arrest before you were sent to the work-house?

A. About a week, sir.

Q. What were you doing, and where were you the first ten days of October?

A. I was around at the Grand Hotel and different places where they had headquarters, and places where they held meetings?

Q. What headquarters were at the Grand Hotel?

A. The Democratic.

Q. Did you hang around the Republican headquarters, too?

A. Yes, I was around there.

Q. What did they pay you at the Democratic headquarters for your services?

A. They didn't pay me any thing for my services; I was around like any other spectator.

Q. For what were you sent to the work-house? and how much is your sentence?

A. My sentence is thirty days and two hundred dollars; false pretenses.

Q. Are you a brother of the Minns who was connected with the murder on Baker street?

(Objected to.)

A. No, sir, I am not; he is a cousin.

Q. You may give the names of those colored men and the white man whom you say voted in the Fifth Ward.

A. I don't know their names. I would know them if I were to see them again.

Q. What did you hear them call each other?

A. I didn't hear them call any thing. I saw the two colored men at Pickett's; I saw the white one once or twice before.

Q. Did you ever see the others before at any place?

A. I only saw them when I saw them at the polls.

Q. Is Pickett's a prostitution den?

A. I don't know whether it is; I never saw any prostitution there; I only went to the door; I was never inside of the door.

Q. What did you go to the door for?

A. I went to the door; Mr. Pickett was standing at the door; I used to work with him, and was acquainted with him.

Q. Where were those two colored men? What were they doing at Pickett's?

A. They were standing up against the counter talking.

Q. When was it you saw them at Pickett's?

A. Two or three days before the election. I think it was on Saturday before the election. If they had lived in that ward, or any where around there, I would have known them.

Q. Did you talk with them? if so, what about? Did they tell you who they were?

A. No, sir; I never talked with them; I was standing talking with Mr. Pickett.

Q. Did they talk to you?

A. No, sir; I only spoke to them when I saw them at the polls.

Q. How long did you stay in the bar-room where they were?

A. I didn't go into the bar-room; I was at the door. There is a large door opens into the bar-room. I stood there ten or fifteen minutes, talking to Mr. Pickett. These two men were leaning against the counter.

Q. Do you remember of hearing them talk about any thing, or did you pay any attention to them?

A. I paid no attention to them. I was talking to Pickett. They were talking to themselves.

Q. Did you drink with them?

A. No, sir.

Q. Who were you going to see at the depot?

A. John Berry.

Q. Who is John Berry? Did you see him; if so, what about?

A. I didn't see him. He is conductor on a Pullman sleeping car. He used to be on the Little Miami, and I think he is now on the broad-gauge.

Q. When did he commence running on the broad-gauge?

A. I don't know, sir.

Q. When was he on the Little Miami Railroad?

A. I don't know. That is what I was going to hunt him for. When I saw him he was on the broad gauge.

Q. When did you see him?

A. I don't remember the exact date. I saw him in October. It was after the election.

Q. Did he ever work on the Little Miami Railroad, or on any road which runs into Little Miami depot?

A. I don't know, sir. I found him on the broad-gauge.

Q. Does the broad-gauge run into Little Miami depot?

A. I don't know, sir.

Q. Don't you know it runs into the Cincinnati, Hamilton and Dayton depot, Sixth and Hoadley streets?

A. I don't know. I saw him down as the Cincinnati, Hamilton and Dayton depot.

Q. You were on your way to the Little Miami depot when you passed Pickett's?

A. Yes, sir.

Q. What made you think of finding Berry at Little Miami depot, when you never knew him to be on any railroad which ran into that depot?

A. I was only hunting him, sir. I knew he was on some road; I knew that.

Q. Will Berry know you now if he would see you?

A. He would know me. I should think he would know me. My wife 's at his house now.

Q. Did your wife visit him before the election?

A. He married her sister. We used to live together before he moved to Hornersville.

Q. And you did not know what road your brother-in-law was on during the first week of October, 1876?

A. No, sir.

Q. Describe the two colored men you saw at Pickett's.

A. I think one man was as tall as I am. One was brown, the other was black. One of them had high side whiskers.

Q. Was it the brown or black one who had side whiskers?

A. The brown.

Q. Did the other one have whiskers too?

A. I don't think he did, sir.

Q. Describe the other three colored men.

A. They were pretty rough-looking customers. That is all I can say about it. If they had lived around there I would have known them.

Q. Did you see them often before about the river? or how did you know and identify them at the polls?

A. No, sir. There was all five of them together. There were five colored men, and one white man ahead leading them. I asked them to exchange the tickets.

Q. What tickets did you want them to take?

A I wanted them to take the tickets I had in my hands—Democratic tickets.

Q. At what polls did you ask them to take your tickets?

A. At the Fifth ward, second precinct. I wanted them to exchange there. I then followed them up to the first precinct, Fifth ward. I spoke to them there, and a colored man interfered with me. I was going to have them arrested.

Q. What answers did they give at the second precinct? Didn't you challenge them?

A. I didn't challenge them. I told him afterwards they didn't belong in the ward.

Q. Why did you ask them to take your tickets when you knew they didn't live in that ward?

A. I didn't think they belonged in that ward.

Q. Then why did you ask them to vote your Democratic ticket in the second precinct, the first place you saw them vote?

A. I thought in the first place they belonged there—that is, the two I had seen at Pickett's. Them's the only two I spoke to.

Q. What ones did you see vote in the second precinct of the Fifth ward?

A. They all voted there. I am certain of five darkies and the white man—I am certain of them. I spoke to Mr. Compbell and Mr. Holland about them—I think a policeman too. I think his name is Chumley—a large man, with side whiskers.

Q. Did these men all stay together, or did they separate after voting at the second precinct?

A. The last time I saw them they were all together.

Q. Were they together at all times you saw them that day?

A. Yes; they were all together. The white man was walking in front of them.

Q. Did you follow them from the second precinct? If so, where?

A. From the second they went to the first. I went up Sycamore very near Eighth. That is where Mr. Holland and his crowd were—at the engine-house.

Q. How many times and places did you see Holland that day?

A. I couldn't say.

Q. Did you see any of these men put their vote into the ballot-box or give it to the judge in the first precinct of the Fifth ward?

A. Yes, sir. I went there with the intention of having them arrested. I saw them there, and a colored man interfered with me; and after I saw them put their tickets in they went up Sycamore street to the engine-house, and when I got up there I saw one man just coming off the stage, and then they went up Eighth street.

Q. When you followed up to the first precinct did you try to get them to vote your ticket there?

A. I tried to get them to vote my ticket. I spoke to one—the man with the whiskers. That is where the colored man interfered, when I tried to get them arrested.

Q. Did you challenge them there—at the first precinct of the Fifth ward?

A. Yes, sir; that is what I came up there for—to have them arrested if they voted a second time.

Q. Did you challenge their votes? Did the judge swear them?

A. Yes, sir. Of course the judge swore them. I asked them if they were going to vote the second time, when a colored man came up and said "they were all right, they voted the Republican ticket; what had I to do with it." I said I came up there to have them arrested. I was asked to take a drink by one of the party at a grocery right over at a corner. I went with the white man who asked me as far as the door, and the man told him he couldn't let him have any.

Q. What names did they give at the second place they voted?

A. I didn't hear their names when the judge swore them; this man interfered so I couldn't hear them. Joe Moses, deputy sheriff, was there.

Q. Did you tell Moses about it?

A. No, sir; I told Mr. Holland about it.

Q. You didn't get up to the Sixth Ward, Sycamore street, in time to see if they voted, did you?

A. No, sir; I only saw that one man coming off the stage that I spoke about.

Q. Who else did you see that you knew at the three voting places you have named? Give their names.

A. I don't know. I saw at the second precinct, Fifth Ward, Mr. Darling, Jack Connelly, and Mr. Maddon; that is all I remember. I saw Mr. Moses at the first precinct.

Q. Didn't you find out what names these men voted under when you were intending to arrest them?

A. No, sir; I couldn't get close enough to hear them, because a man interfered with me. My intention was to have them arrested. He said they voted the Republican ticket, and what did I want to do about it. The colored folks were all right.

Q. Who is Dowling?

A. The gentleman is sitting there.

Q. Where did you see him before?

A. I seen him at different places. I had business at his house a year ago—carried baggage to him. I saw him at the polls, and several places.

Q. How did you learn your testimony was to be taken in this case?

A. They asked me questions. I spoke to somebody about arresting those men. Mr. Dowling asked me if I knew any thing about the case. He knew about it, for I spoke to him about arresting these men; I spoke to Mr. Maddon about it; I spoke to Mr. Holland about it; also Mr. Chumley. They went around from Sycamore to Eighth street; I supposed they would go up there.

(The latter part of above answer objected to as not responsive.)

Q. Who came to the work-house to see you about your testimony?

A. There wasn't anybody came here particular to see me about it.

Q. Did not Mr. Dowling come to see you?

A. Well, Mr. Dowling and some more gentlemen were setting in there talking about it, and he asked me to remember about it; he asked me if I knew any thing about it, and I said I did; he asked if I remembered those men, and I said I did; he asked me if I would know them if I saw them, and I said yes, I would.

Q. How long have you lived in the Fifth Ward?

A. About three years.

Q. How often have you voted there? What ticket did you vote last October?

A. I voted at all elections since I have been living there. The Democratic ticket.

Q. Do you know any of the names on the ticket you voted October 10, 1876?

A. I don't remember them.

Q. Can you give the name of any one you voted for October 10, 1876?

A. I voted the Democratic ticket—the straight ticket. I think Mr. Beckel was on the ticket.

Q. Can you read?

A. A little.

Q. Can you read the first line printed on the notice to take these depositions, marked Exhibit A, and now handed you?

A. A boy four years old could read that. I have read it to myself. You didn't ask me to read out loud.

Q. Please read out loud, and the notary may state in your answer if properly read.

A. I won't read any more to anybody; a child four years old could read it.

Q. Have you read that line to any of us? I now ask you to read it the first time.

A. I won't read it for anybody any more. I won't answer any more questions neither.

Q. Have you read a word of that line out loud, so that any one in this room has heard you?

A. No, sir.

Q. Will you now read one word of it? Pick out your own word.

[The witness here refused to read or answer, and says he wants his dinner.]

Q. Will you read it out loud or answer it after dinner?

[The witness continued to refuse to answer.]

Q. Since you have had your dinner, will you answer my question—Can you read the following Exhibit B? If so, read it out loud to the notary.

A CARD.

To the Editor of the Commercial:

I see in your issue of the 20th inst. that I am reported by one N. C. McLean, of Camp Dennison, Hamilton county, Ohio, a lawyer by profession, office in boot-leather omnipresent, to have voted the Republican ticket illegally at the October election in Hamilton county, Ohio, I only being ten days in the county. The said N. C. McLean is a meddlesome liar, and dare not make oath to his statement.

DR. STUARD L. TERWILLEGAR,
Office 183 Race street, Cincinnati.

[Counsel for contestee objects to the above question, first, because it is incompetent, and he further objects to counsel for contestant, by a device, under the pretense of testing the witness's capacity and veracity, endeavoring to make ex parte evidence, relevant to this cause, out of an excerpt from some newspaper.]

A. No, sir, I'll read nothing.

Q. How did those men hold their tickets when they came to the polls? Did they show them out open, or did they keep them hid from you in their hand or pocket?

A. I could not have seen them if they had them in their poeket; they held them in their hands.

Q. Did they seem afraid for anybody to see their tickets, or did they walk up like honest voters?

A. When I saw them they had their tickets in their hands.

Q. Did they hide them when they got up to the polls where you were?

A. I don't think they could have hid them when they passed them to the judge.

Q. Did they hand them to the judge folded up or open?

A. I think they were folded up when they handed them.

Q. How many colored voters are there in both precincts of the Fifth Ward, and the precinct of Sixth Ward which has voting polls on Sycamore, near Eighth street?

A. I don't know, sir.

Q. Would you say there were one hundred or one thousand colored voters?

A. I can't say.

Q. About how many do you know by name and by sight, either or both?

A. I know a good many; they are pretty thick over in that part of town.

Q. What part of them would you know if you were to see them—all, half, or what?

A. I don't know. I couldn't say whether I could recognize all of them. I know a good many.

Q. Would you half of them?

A. I couldn't say whether I know half them. I might know them all.

Q. Do colored voters change their residence often in that part of Cincinnati?

A. They don't move a great deal. That is the great place for colored men; they are very thick there.

Q. Is that part of Cincinnati known as "Bucktown?"

A. I believe that is Bucktown, sir.

Q. Did you live in Bucktown?

A. I don't think they call that Bucktown. Bucktown is more north.

Q. Do you know all the colored people in Bucktown?

A. No, sir; I don't know all the colored people in Bucktown. I don't want to. I know all that are respectable.

Q. Are there many of your *respectable* friends out here in the work-house?

A. I don't know any person out here?

Q. Did you see Colonel Robert Harlan at either of those polls that day?

A. I saw Bob Harlan in the afternoon, on Sycamore street, I think.

Q. Where and when was it you saw Mr. Alexander?

A. I think I saw him on the 10th of October, on Third street, at the first precinct of the Fifth Ward.

Q. Did you say anything to him about these illegal voters?

A. I think I said, in his presence, that I would have them arrested; but he said not to disturb them, as they voted the Republican ticket.

Q. Is he the colored man you mentioned before, who told you not to interfere?

A. He was one of them; there was a number standing there that interfered.

Q. Is he the one who told you not to interfere, that these were Republicans?

A. Yes, I think he was. I know he was present; there were five or six of them around there.

Q. Is Alexander a mulatto or black man? What is his first name? What does he do?

A. Black man; I think his first name is Bill; he is a carpenter.

Q. Did you hear any of the old voters in the ward speak to those illegal voters? Can you remember anything they said?

A. I was looking after them. I spoke to them after they had voted, and asked them if they had not voted a second time, when Alexander and others came up to me and said it was all right, as they had voted the Republican ticket. I suppose that they knew what they were doing.

Q. Was this the first or second place they voted?

A. The second place, sir.

Q. Why did you ask Alexander if they had voted again?

A. I didn't ask Alexander, sir. I asked this other man with the side whiskers?

Q. What did you ask him for?

A. Because I saw him put his ticket in a second time. I knew it wasn't right for a man to vote twice in this country.

Q. Why did you ask the brown fellow and not ask the other fellows who went with him?

A. Because he was the first man that came off. I had seen him and the other fellow at Pickett's. They were the only two I spoke to.

Q. Have you seen the white man or any of the colored men since election day, or when you saw them at the polls?

A. I don't remember whether I have or not. I think I have seen the white man since. I would know him if I were to see him.

Q. Describe O'Brien.

A. He was a kind of red heed; about as tall as the Superintendet General Morgan, but heavier.

Q. Why did you not tell "Dowling" or "Jack Connolly," the Democratic judges, about these boys, and have them arrested?

A. I told them about it; they were judges. ROBERT MINNS.

The State of Ohio, County of Hamilton, ss.:

I, John K. McCann, a notary public in and for the county and State above named, duly commissioned and qualified, do hereby certify that the above named Robert Minns as was by me first sworn to testify the truth, the whole truth, and nothing but the truth, and that the deposition by him subscribed as above set forth was reduced to writing by me, who is not interested in the suit, in my presence and in the presence of the witness, respectivcly, and was subscribed by the said witness in my presence, and was taken at the time and place in the annexed notice specified, and was continued from day to day as above set forth; that I am not counsel, attorney, or relative of either party, or otherwise interested in the event of this suit.

In testimony whereof, I have hereunto set my hand and official seal this 21st day of February, A.D. 1877.

[SEAL.] JOHN K. MCCANN.

IN THE SENATE OF THE STATE OF OHIO.

JOSEPH COX, Contestant *v.* JUDSON HARMON, Contestee.

The State of Ohio, Hamilton County, ss:

The contestant will take notice that on Saturday, the twenty-fourth day of February, A.D. 1877, the contestee above named will take the depositions of sundry witnesses, to be used as evidence on the trial of the above cause, at the law office of Smith & Crawford, south-east corner of Fifth and Walnut, Cincinnati, in the county of Hamilton, in the State of Ohio, between the hours of eight o'clock A.M. and eight o'clock P.M. of said day; and that the taking of the same will be adjourned from day to day, between the same hours, until they are completed.

C. W. COWAN, *of Counsel for Contestee.*

BUCHWALTER & CAMPBELL, *Attorneys for Contestant.*

Deposition of sundry witnesses, taken before me, N. Rockhold, Jr., a notary public in and for the county of Hamilton, in the State of Ohio, pursuant to the annexed notice, and at the time and place therein specified, to be read in evidence on behalf of the defendant, in an action pending in the Senate of the State of Ohio, in which Joseph Cox is plaintiff, and Judson Harmon is defendant, Ransford Smith, Esq., being present on behalf of defendant, and John A. Trimble, Esq., and M. L. Buchwalter on behalf of plaintiff.

J. C. Bellew, being first duly sworn, deposes and saith:

Q. By Ransford Smith, Esq. Please state your name, age, and residence.

A. J. C. Bellew; 50 years of age; residence, Lockland, Hamilton county, Ohio.

Q. How long have you lived at Lockland?

A. Thirteen years next June.

Q. What is your occupation?

A. I am a wagon-maker.

Q. At what precinct were you a voter at the general election in October, 1876?

A. I vote at the Reading precinct, Sycamore township, Hamilton county, Ohio.

Q. What judicial officers were to be voted for at that election?

A. There were five Common Pleas Judges to be voted for at that election: three general and two additional.

Q. Were Judges Cox and Harmon among the candidates voted for at that election?

A. Yes, sir.

Q. What knowledge have you of any illegal votes being cast at that precinct at that election?

A. I was acting as challenging committee for the Democrats. About nine o'clock a colored man came to the polls, by the name of Simon Bailey, and offered his vote. I challenged his vote. He was then taken into the room, and by the judges sworn. His affidavit to the judges was, "that he had lived in Cincinnati nine years, and had left there a few days, possibly a month, before the October election." I then told the judges that if he had lived in Cincinnati nine years, that I knew that he had been in the precinct long enough to vote. And his vote was received by the judges, and placed in the box. After he had voted, I had occasion to go to the Short Line depot. Just before reathing the depot, I met with Henry Buck, whom Bailey (the colored man above referred to) had been working for. I asked Buck if he had voted. He said he had not. I told him then that his colored man had beat him—that he had voted first. Buck's answer was, "that if he (meaning the colored man) had voted, he had not the right so

to do." I then asked him why the colored man should not have voted. He said that the colored man had a family in the South. I then went to the depot. When I got there I found this man Bailey on the platform. I asked him where he was going. He said he was going to the city. I asked where he intended to go from Cincinnati, when he got there. He said he was going to Louisiana. I then asked him to state what business he had done in Cincinnati for nine years. His answer was that he had been running on a steamboat. I asked him what points it run to and from. He said it run from New Orleans to St. Louis and to Cincinnati. I asked him if it was not a fact that he had a family in Louisiana. He said he did have. I then asked him when he left there. He said he had left the river and come to Cincinnati in April, 1876. I asked him if he did not know he was swearing to a lie when he swore in his vote at Reading. His answer was that he had been told in Cincinnati that this was his place to vote. I took him back to the polls and into the judges' room, and he there stated to them that he voted illegally and wanted to get his vote out. He was informed by them that they could not give a vote back nor erase a name.

Q. What ticket did Bailey vote?

A. He said he had voted the Republican ticket.

(Objected to.)

Q. Where did he make this declaration?

A. In the judges' room at the polls.

Q. What knowledge, other than his declaration, have you that he voted the Republican ticket?

A. Nothing more than his acting with the Republican party and marching in their procession.

Q. What, if any thing, do you know of any other illegal vote being cast at that election at those polls?

A. A man by the name of Mike Feltey voted, which was an illegal vote, from the fact that he did not live in the precinct or township; but he voted at the October election without being challenged.

Q. What ticket did he vote?

A. He voted the Republican ticket. I challenged his vote at the November election at those polls, and he did not get to vote then, as he was not a resident of the precinct then, nor never has he been since I lived in the State.

Cross-examination.

Q. By John A. Trimble, Esq. Did you ask Simon Bailey whether he was a married man or not?

A. Yes, sir; I asked him on the platform at the Short Line depot if he was a married man, and he said he had a wife and family.

Q. Did you see him hand the vote to the judges and see the ballot put in the box?

A. Yes, sir.

J. C. Bellew.

Robert Carson, being first duly sworn, deposes as follows:

Q. Please state your name, age, residence, and occupation.

A. My name is Robert Carson; am twenty-six years old; I reside at Wyoming, Springfield township, Hamilton county, Ohio; I am a carpenter by trade, but at present am justice of the peace of that township.

Q. At what precinct were you a voter at the general election in October, 1876?

A. Wyoming precinct, Springfield township.

Q. Were Judges Cox and Harmon among the candidates voted for at that eleetion?

A. Yes, sir.

Q. What knowledge have you of any illegal votes being cast at that precinct at that election? Please state fully.

A. There was a man by the name of Benson; I do not know his first name; he had been in Europe for several years; in fact he never lived in Springfield township; he was not there to exceed twenty days before the October election, at whieh election he voted; he voted the straight, open Republican ticket, to my knowledge.

There was another man who voted by the name of Henry Kohlburn. He left his home here in Wyoming and went to New York City about six years ago. While there he got married and moved to Missouri, and took a position there at $2,000 a year, and retained it for two years. He had a child born there. Came back to Wyoming about a month or so before the October election. He voted at that election, and voted the straight, open, Republican ticket. On the afternoon of the November election, at three o'clock, we were watching for him in case he attempted to vote again. He passed by the polls and took a train and went East, and hasn't been seen since in those parts.

There was another man by the name of Henry Allen, a eolored man, who was an idiot; never was allowed to vote at any election before. He was brouget up and voted at the election the straight Republican ticket.

Q. Did Mr. Kohlburn vote at the November eleetion?

A. He did not.

Q. Was Mr. Benson challenged at the October eleetion?

A. He was not.

Cross-examination.

Q. Was he (Mr. Benson) a married man?

A. I understand that his wife had died ahout a year before.

Q. Do you know whether he went to Europe on a visit or went there to permanently reside?

A. I do not know.

Q. Had this man any children or family?

A. I do not know. I never srw him before.

Q. With whom was he residing at the time of the October eleetion?

A. He wes staying with his brother-in-law, Thomas Fox.

Q. Do you know whether he claimed this as his plaee of residenee or his home?

A. I do not.

Q. Do you know whether he was entitled to vote at any other precinet or not?

A. I do not.

Q. Do you know whether he had resided in the State of Ohio for one year and in the eounty thirty days prior to this election?

A. I do not.

Q. Do you know whether he had lived in this voting preeinct twenty days prior to the election?

A. I do not.

Q. Do you know how long he had resided in the precinct prior to the election?

A. I stated before that I supposed it was about twenty days; it may have been more and it may have been less.

Q. You have stated that you do not know the exact length of time he had resided in the precinct, county, or State. Will you state now how you know he cast an illegal vote?

A. I had received such information from other parties. I do not know positively to my own knowledge.

Q. Now state whether you know of your own knowledge that Kohlburn resided in New York for the length of time you stated.

A. I only know from the fact that when he left he told me that was where he was going.

(Obected to—not responsive to the question.)

Q. Will you now answer the question directly whether you know of your own knowledge where Kohlburn resided during his absence?

A. I do not know of my own personal knowledge.

Q. Do you know how often Kohlburn returned to this voting precinct during the time you have stated he was absent?

A. No, sir; I never saw him until last fall, since he left.

Q. Do you know how long he had been in this voting precinct before the October election?

A. No, sir.

Q. Do you know of your own knowledge that this man had not resided a year in the state of Ohio, thirty days in the county, and twenty days in the township, prior to the October election?

A. No, sir; I do not, of course.

Q. Then how are you so able to state so positively that Kohlburn cast an illegal vote?

A. His action at the November election was enough to convince me of that.

Q. Then you rely upon your judgment of his actions in making the statement that he cast an illegal vote, and not upon any disqualification within your own knowledge, do you?

A. Upon his actions at the November election and upon the information from other persons, and from the fact that I have resided there for a number of years and have known him.

Q. Upon reflection, are you willing to swear positively that you know of your own personal knowledge that Kohlburn cast an illegal vote at the October election?

A. Certainly I am not.

Q. Do you know whether Henry Allen, the person you say is an idiot, cannot read or write?

A. I know he cannot; he can scarcely talk, let alone read or write.

Q. How do you know he cannot read or write?

A. I know from the fact that he is too much of an idiot to read or write; I know he can't now nor never could.

Q. How long have you known this man?

A. Six or seven years.

Q. Could he tell his age?

A. Not intelligently; I believe he said he was thirty years of age.

Q. Is this man able to walk around and take care of himself?

A. He is able to walk around; whether he takes care of himself, I do not know; he lives with a family over in Greenwood.

Q. How many conversations have you ever had with him?

A. I meet him almost evrey day and say something to him every time I see him.

Q. Is he kept in a mad-house?

A. No, sir.

Q. Can you state whether or not this man has mind enough to judge of his preference between two different persons in casting his vote?

A. If he knew the man, he would; on paper he wouldn't.

ROBERT CARSON.

Michael Corbett, of lawful age, being duly sworn, testified as follows:

Q. State your name, age, residence, and occupation.

A. My name is Michael Corbett; am about forty-one years of age; reside at 229 Broadway, Cincinnati, Hamilton county, Ohio; by profession a printer, but at present in the grocery business.

Q. At what polls do you vote?

A. I vote at the first precinct of the Sixth Ward, Cincinnati, Ohio.

Q. How long have you resided in that precinct?

A. Long before it became one.

Q. How many years have you been acquainted with the voters in that part of the city?

A. About twenty-five years.

Q. Did you act as judge of the election in that precinct at the October election, 1876?

A. Yes, sir.

Q. How often have you acted as a judge of election in that part of the city?

A. It would probably average about once a year, for the last fourteen or fifteen years.

Q. Are you acquainted with Ephraim Holland? and, if so, how long?

A. Yes; between twenty and twenty-five years.

Q. Did he come to the polls, at which you were judge, at the October election, 1876?

A. Yes, sir.

Q. What time of day was it you first saw him at the polls at that precinct on that day?

A. I should suppose it was about three or four o'clock.

Q. Were there with him, or without him, any illegal voters, or gang of repeaters, that you know of?

A. I recognized none.

Q. Were you so well acquainted there that you would have recognized them if any had been there?

A. If any number were there I should have known it.

Q. When you saw Ephraim Holland on that day at that polls, state fully what occurred.

A. One of the judges questioned the right of a voter as to his right to vote; Mr. Holland came up the gangway, and stated that he knew the voter, and that he was a legal voter; and his vote was accepted by the judge.

Q. Was Holland at those polls at any other time on that day?

A. Not that I know of.

Cross-examination.

Q. By M. L. Buchwalter, Esq. If a gang of five or six men, who were not residents of the ward, had voted at your polls, at the same time, would you have known it?

A. I belive I would be able to recognize them.

Q. Would you say the same whether they were black or white men?

A. I believe I would, whether black or white.

Q. About how many legal voters are there in your precinct?

A. The highest vote ever polled was about 1185, which was polled at the November election, by a list made by the Republicans of the voters of that precinct; there are 1400 voters over twenty-one years of age.

(Last part objected to because not being best proof.)

Q. What proportion of those persons do you personally know?

A. I know nearly all of them.

Q. Do you know their residences?

A. No, sir, I do not.

Q. Was your attention called to the fact, on election day, that Holland had not been in your ward except the one time? How do you happen to remember about it?

A. My attention was not called to the fact; when he came to the polls I spoke to him; he may have been there in my absence, while I was at breakfast.

Q. What conversation took place between you and him at that time?

A. He walked up the gangway while a colored man was being examined by the judge, and said that he (meaning the colored man) was a legal voter, and a resident of the ward.

Q. Are you an intimate acquaintance with Mr. Holland, or is there any thing that should specially make you remember that you saw him at the polls?

A. There is not any intimate relation between us; I have known him from a boy. He was slightly under the influence of liquor that time, and walked up the gangway, and talked to me and the other judges.

Q. Who were the other judges?

A. Mr. Julius Dexter, Republican, and James Fitzgerald, latterly a Democrat, and myself, a Democrat, were the judges.

Q. Had Holland not come up the gangway and spoken to you, would you have remembered of his being about the polls?

A. It was very probable that I would have known of his being there, from the fact of his being known as a prominent political worker.

Q. Suppose that these illegal voters had not come in a gang, but one at a time, and not in the company of each other, might you not have been deceived, and not recognized these parties as illegal voters?

A. I might be deceived; but from a close scrutiny of prominent Republicans attendant at the polls, and the effort of the judges, I can not perceive how any number of illegal votes could have been cast.

Q. Is not Julius Dexter a very wealthy gentleman?

A. You can not just tell how much a man is worth in this country unil his estate is administered upon: but he is reported wealthy.

Q. Is it not true that he has very little acquaintance with the laboring men of the Sixth Ward?

A. I can not tell. As being president of the Zoological Gardens, he has opportunity of knowing a great many laboring men.

Q. In what part of the city is the Zoological Gardens situated?

A. No doubt a portion of the gardens is in the city, and adjoins the Twelfth Ward, I think, and a short distance beyond Corryville.

Q. Do you know, of your own knowledge, of any illegal voting in the Sixth Ward, at the October election?

A. No, sir; I do not.

Q. Might it not have been possible for Mr. Holland to have had repeaters quietly sliped in, one at a time, and you and the other judges not have detected it?

A. It might be possible; but from the close watch kept by the judges and citizens, it is doubful if it could be.

Q. How much money did you have under your control, and for distribution for political purposes, in the October election?

A. I had less than one hundred dollars.

Q. Did you not have some control over funds of more than five hundred dollars or one thousand dollars?

A. No, sir. I had no control of any funds whatever—no connection with any party who had—except the sum less than one hundred dollars above referred to, and some small collections for club purposes.

MICHAEL CORBETT.

Further taking of these depositions adjourned until Monday, February 26, 1877.

F. ROCKHOLD, JR., *Notary Public.*.

State of Ohio, Hamilton County, ss.:

I, N. Rockhold, Jr., a notary public in and for the county and State above named, duly commissioned and qualified, do hereby certify that the above named J. C. Bellew, Robt. Carson, and Michael Corbett were by me first and severally sworn to testify to the truth, the whole truth and nothing but the truth, and that the depositions by them subscribed as above set forth were reduced to writing by me, who is not interested in the suit, in my presence and in the presence of the witnesses respectively, and were subscribed by the said witnesses in my presence, and were taken at the time and place in the annexed notice specified, and were continued from day to day, as above set forth; that I am not counsel, attorney, or relative of either party, or otherwise interested in the event of this suit.

In testimony whereof, I have hereunto set my hand and official seal this 26th day of February, A.D. 1877.

N. ROCKHOLD, JR.,
Notary Public in and for Hamilton county.

IN THE SENATE OF OHIO.

JOSEPH COX, Contestant, *v.* JUDSON HARMON, Contestee.

The State of Ohio, Hamilton county, ss.:

The contestant will take notice that on Thursday, the 22d day of February, A.D. 1877, the contestee above named will take the depositions of sundry witnesses to be used as evidence on the trial of the above cause at the law office of Cowan & Durrell, southeast corner Fifth and Walnut streets, Cincinnati, in the county of Hamilton, in the State of Ohio, between the hours of eight o'clock A.M. and six o'clock P.M. of said day, and that the taking of the same will be adjourned from day to day, between the same hour until they are completed.

C. W. COWAN,
Of Counsel for Contestee.

Done this 21st day of February, 1877.

BUCHWALTER & CAMPBELL,
Attorneys for Contestant.

FEBRUARY, 26, 1877.

Depositions of sundry witnesses taken before me, John K. McCann, a notary public

within and for the county of Hamilton, in the State of Ohio, pursuant to the annexed notice, and at the time and place therein specified, to be read in evidence on behalf of the contestee in an action pending in the Senate of the State of Ohio, in which Joseph Cox is contestant and Judson Harmon is contestee. T. C. Campbell and M. L Buehwalter attorneys for contestant, being present on behalf of contestant, and C. W. Cowan, attorney for contestee, on behalf of contestee.

Adolphus Fay, a witness, of lawful age, being by me first duly sworn, deposes and saith as follows:

Q. State your name, age, residence, and occupation.

A. Adolphus Fay; 51 years old; residence, 233 Cutter street; livery stable, 181 Elm street, between Fourth and Fifth streets.

Q. State how many men you had in your employ at said stable October 10, 1876.

A. I regularly employed four men.

Q. State their names.

A. John Steel, Ed Thomas, Hockler Butler, and Willis Taylor.

Q. State where these men resided.

A. Two of them I can't tell where they resided, two slept at the stable, one resided, I think, on George street, between John and Cutter streets, and the other about Sixth and Broadway.

Q. State whether or not the last two you named are the two whom you first said you did not know where they resided.

A. They are the same two.

Cross-examination.

Q. By T. C. Campbell, counsel for contestant: State who else slept at your stable during the year 1876, up to October 10th, other than those you have already named.

A. Calvin Smith, a hand-expressman, a person who goes by the name of Calmes (I don't know what his right name is), and John Morgan.

Q. State whether or not it was quite possible for these men to have others sleep there without your being made aware of it.

A. There might have been.

Q. That makes seven, that you know of, who might have properly given your stable as their place of residence, and there may have been others to whom your attention was not directed?

A. That's right, excepting as to the two I have mentioned as residing elsewhere.

Re-examination.

Q. State whether or not any persons, other than those you have named, could have permanently resided at your stable without your knowing about it.

A. Well, I didn't pay much attention to who slept there after I went away. I don't think any one could have done so, but there might have been some sleep there occasionally.

Q. How long did the expressman and the other two live there?

A. They have been there for years.

ADOLPHUS FAY.

And further, John Kelly, a witness of lawful age, being, by me first duly sworn, deposes and saith as follows:

Q. By C. W. Cowan, of counsel for contestee: What is your name, age, and residence?

A. John Kelly; age, twenty-three last October; I live at 232 West Third street.

Q. Were you present at the first precinct of the Eighteenth Ward polls on the 10th of October, 1876, the day of election of state and county officers?

A. Yes, sir.

Q. State if you know anything in relation to colored persons voting at that poll; and, if so, whether they were challenged, and what names did they give, and where did they swear, if sworn, that they resided?

A. There were colored men challenged at that poll, and they swore they resided at 181 Elm street—Fay's stable, when asked where 181 Elm was. Their names, John Harris, R. White, H. Williams, W. D. Hart, J. Jackson, Joseph Williams, George Williams, Harris Wright, and Miles Williams; five others we supposed to live at that stable, that I have not got the names of, and did not challenge.

Q. State, if you know, whether they voted at that precinct; if so, what ticket did they vote?

A. They voted at that precinct. There were six folded up Republican tickets, in my presence, they got from other colored men in that ward; two of them got them from Mr. Hupp; I saw him give them to them.

Q. What do you know of the other three?

A. I don't know what ticket they voted.

Q. What scratching, if any, was on the ticket?

A. I did not see any.

Q. Did you see enough of the ticket to discover the scratching if there had been any?

A. Yes, sir; unless it was so light it could not be seen with the naked eye. I was not more than three feet from them.

Cross-examination.

Q. By T. C. Campbell, of counsel for contestant: I see you have read from a list; will you be kind enough to let me have it?

A. Yes, sir.

Q. Was it you that wrote the names on that list? and, if so, when did you do it?

A. On that list, three days after election, on the back of one of the election tickets, the 10th day of October, when the names were given in at that poll. The names were so rubbed out, I copied them on that paper.

Q. Where did you keep this paper since?

A. I have kept it in my pocket.

Q. In a pocket-book?

A. In an envelope.

Q. Have you the envelope here in which you carried it?

A. I don't know if I have. I have two envelopes in my pocket.

Q. Was it either one of those envelopes in which you carried this paper?

A. I don't know; it may have been one of those envelopes; I have had other envelopes in my pocket.

Q. When did you take this out of the envelope in which you carried it?

A. After I was able to get around, when they were talking about a contest.

Q. Now, I want to know, sir, the time when you took that paper out of the envelope.

A. I answered. I took that out when I was able to get around, and when I heard of this contest. I took it out and looked at it. To the best of my knowledge, it was three weeks after election.

Q. Where have you carried the paper since that time?

A. For seventeen days it was in my pocket, hanging in the closet. I wore the coat, then, for one month, or about, to the best of my knowledge. The coat has since been hanging in the closet. It was in an envelope, in that pocket, in a brown cloth coat pocket.

Q. When did you take this paper out of the envelope in which you say you placed it three days after the election, and what did you do with the envelope?

A. Yesterday. I took it out of my pocket when they called on me to testify in this case.

Q. What did you do with the envelope?

A. It may have been one of those envelopes. To the best of my knowledge, I had several in my pocket at that time.

Q. Where was you when you took it out of the envelope, and what did you do with the envelope after taking it out, and where did you carry it since—"it" meaning envelope and paper?

A. I took it out at my own house—the house I live in. It may be in my pocket, and it may be one of them. I have had the paper in this coat pocket, without being covered —that is, the coat I now have on.

Q. You are sure it is one of these envelopes, or one in the pocket of the coat you have at home?

A. Yes, sir.

Q. Where were you when you wrote the names on this paper?

A. I was in my own house.

Q. Do you remember the date when you did it?

A. It must have been the 13th.

Q. What date was it that you got into a quarrel and was cut?

A. On the 11th.

Q. Where were you taken to after you were cut?

A. To my own house.

Q. You were not injured much, were you?

A. Yes, sir, severely injured.

Q. Well, how severely?

A. I was kept in my bed for nine days.

Q. Did you have medical attendance?

A. Yes, sir.

Q. Isn't it a fact that you went out to work the day after you were cut?

A. No, sir.

Q. Weren't you able, didn't you sit up and walk around the house?

A. No, sir.

Q. Did you do any work at all? Did you do any thing at all after you were cut for say a week?

A. Yes, sir.

Q. Where were you cut?

A. Under the right shoulder blade.

Q. Had you any fears at all that your life was in danger?

A. No; I resisted death; I wouldn't give in, although they told me I was going to die.

Q. Who told you you were going to die?

A. Dr. O. E. Davis.

Q. What day was it Dr. O. E. Davis told you you were going to die?

A. On the evening I was hurt—on the evening I was cut, stabbed.

Q. Did you lose much blood ?

A. I lost considerable blood.

Q. Were you weak ?

A. I was tolerably weak.

Q. How soon after the injury was it before the doctor considered you out of danger ?

A. Three days.

Q. What time of day was it when he told you you were out of danger ?

A. Nine o'clock in the morning.

Q. How long did he continue to visit you after that ?

A. About six days, to the best of my knowledge.

Q. What is your business ?

A. A plumber by trade.

Q. Why did you destroy the ticket on which you had written those names ?

A. The ticket was very dirty, and also torn.

Q. Where did you carry the ticket which you had the names on, and where was the envelope you carried it in ? I mean the ticket on which you first put the names.

A. I had it in my pocket until I took it out and put it on that paper.

Q. What pocket ?

A. A brown frock-coat pocket, now home.

Q. Then, I understand you that on the 13th you took the ticket on which you first wrote the names, copied the names from it into this paper which you have exhibited here to-day, then tore up the ticket, and put this paper in an envelope in the same pocket ?

A. That is correct.

Q. You say that you carried that paper in either one of the two envelopes, which you have here produced, or in an envelope that is now at your home ?

A. I carried that paper in either one of those envelopes, or in another envelope, if it might have been in my pocket.

Q. How many envelopes did you put this paper in altogether ; one ?

A. One, sir.

Q. Then, I understand you carried it in the same envelope from the 13th till yesterday ?

A. It might have been the same envelope, or it might have been another one of those that were in my pocket.

Q. But I understand that it was in one envelope that you carried it ?

A. Yes, sir, in one envelope.

Q. You say you did not destroy that envelope ?

A. Not to my knowledge.

Q. Did you put it in your pocket ?

A. I put it in my pocket.

Q. What coat did you wear yesterday ?

A. I wore the same coat that I've got on now. It is a dark gray coat.

Q. Did you put any papers or envelopes out of your pocket yesterday or to-day ? If so, where did you place them ? In other words, have you with you now all the papers or envelopes you had yesterday ?

A. I have all the papers with me that I took out of my brown frock coat pocket when I was looking for this paper that had the names of the colored gentlemen that voted at the first precinct of the Eighteenth Ward, at the October election, 1876.

Q. Then some one of the envelopes you have in your possession must be the one in which you carried this paper?

A. It is either one of the two that is now present, or it may be some one that is now at home.

Q. Did you lay away yesterday an envelope? Did n't you already tell me that you wore the same coat yesterday that you are wearing to-day, and that you put the envelope back in your pocket yesterday? If so, must it not now be here, either in your pocket, or else one of those two?

A. I wore the same coat yesterday I now wear. I laid away no envelope. It may be one of those two, or it may be another that may be at home.

Q. How can it be at home if you wore the same coat yesterday you do to-day, and laid no envelope away?

A. I told you I took papers out of my brown frock coat-pocket that is now at home, while looking for this paper, which now has the names of those colored gentlemen that voted in the first precinct of the Eighteenth Ward in the October election, 1876.

Q. Did you not also say that you put the envelope and paper in the coat-pocket that you now wear?

A. I said I took some papers out of the brown frock-coat pocket. I did not say all of them.

Q. If the envelope is not one of the three that you have exhibited here, and you did not lay any of them away yesterday, then it must still be in your brown coat-pocket?

A. It might be.

Q. Could it be any where else? Did you place it any where else?

A. I did not.

Q. Will you now agree to go and get all of the envelopes that you had in your possession yesterday?

A. Yes, sir.

Q. Will you now please mark this envelope with your name or letter A or letter B, and make it part of your deposition?

A. I will, and hereby do so.

Q. Will you now mark this second with your name and letter B, and make it part of your deposition?

A. I will; I hereby mark it with the letter B, mark my name on, and attach it as part of my deposition.

Q. Will you mark this third envelope with the letter C and your name, and make it part of your deposition?

A. I will, and hereby do so.

Q. Will you be kind enough to mark this paper, on which the names of your colored friends appear, with the letter D, and make it part of your deposition?

A. I will, and hereby do so.

Q. You say it was the third day after you was wounded that the doctor told you your life was out of danger?

A. Yes, sir.

Q. And it was the 11th on which you were wounded, was it?

A. Yes, sir.

Q. Which one of those colored men was it whose vote you did not see—that is, which ticket was it that you couldn't tell he was voting?

A. Well, it was one of the last Williams—one of the last.

Q. Then so far as he is concerned you don't know what ticket he voted?

A. It was dark at the close of the polls; there was a big rush made, and of course I couldn't see the ticket; I couldn't see what ticket it was.

Q. Who else voted whose ticket you did not see?

A. Another man by the name of Williams.

Q. Then so far as he is concerned you don't know what ticket he voted?

A. It was dark; I couldn't tell what ticket it was.

Q. Who else voted, whose ticket you could not see?

A. It was one of those on that list; I can not recollect his name.

Q. Did you see the ticket voted by John Harris?

A. Yes, sir.

Q. What time of day did he vote?

A. I couldn't tell exactly at what hour.

Q. What ticket did he vote?

A. He may be one of the seven that voted the Republican ticket.

Q. You say you destroyed the ticket on which you wrote the list, on the third day after the election. Is that so?

A. After I took the names from the election ticket I then destroyed it. It was on the third day after the election.

Re-examination.

Q. By C. W. Cowan, of counsel for contestee. State if you were at 181 Elm street, at the stable of Mr. Fay, before the day of the election. If so, what day was it, and for what purpose did you go there?

A. I was at the stable of Mr. Fay, 181 Elm street; the stable was closed; I asked a colored man that was standing on the outside how many men had Mr. Fay working in his stable; he told me he had four or five. It was three or four days before the election, when we were canvassing the ward.

Re-cross-examination.

Q. By T. C. Campbell, of counsel for contestant: With that knowledge in your possession, why did you not cause the arrest of the parties whom you say offered their votes?

A. I had men arrested before in the spring election that lived out of the ward; that lived at 122 Broadway. They stated so themselves in the police court, and Judge Lindemann dismissed them.

Q. Then it was because the Judge didn't do his duty that you did not arrest them, or have them arrested?

A. I thought it would make no difference whether they were arrested or not; I thought they wouldn't be punished.

JOHN KELLY.

[The further taking of depositions was continued until the 23d of February, 1877, at 8:30 o'clock A.M.]

JOHN K. MCCANN, *Notary Public, Hamilton Co.*

FRIDAY, February 23, 1877.

Depositions resumed according to adjournment.

Michael O'Shaughnessy, a witness of lawful age, being first duly sworn, deposes and saith as follows:

Q. By C. W. Cowan, of the counsel for contestee: State your name, age, and residence.

A. Michael O'Shaughnessy; age 34; 332 West Third street.

Q. Were you present at the polls of the first precinct of the Eighteenth Ward on the 10th day of October, 1876?

A. Yes, sir.

Q. What election, if any, was taking place at that time?

A. For county officers; none other that I recollect; there might be for State officers.

Q. Were any persons voted for for Judges of the Court of Common Pleas of Hamilton county at that election?

A. Yes, sir.

Q. State if you know whether any colored persons voted at those polls at that election who gave their residence at Fay's livery-stable, No. 181 Elm street.

A. I don't know them personally.

Q. Well, do you know of any voting there that claimed to live there?

A. About twelve or fourteen of them.

Q. What position, if any, did you occupy on that day?

A. I was on the challenging committee.

Q. State if these colored persons, if you know, claimed to reside at Fay's livery-stable, 181 Elm street, were challenged; and if so, by whom?

A. By some of the challenging committee—Dennis Shean, John Kelly, and myself.

Q. Were they sworn after they were challenged?

A. Yes, sir.

Q. State, if you know, whether the names of those persons were taken down; if so, by whom?

A. Some of them, by one of our challenging committee, John Kelly.

Q. State, if you know or can give, the names of any of the persons voting at that time, who gave their residence at Fay's livery stable; if so, give the names of all, or as many as you can recollect.

A. I can recollect of two of them giving their names as Williams, and one as Smith, I think, and the others I don't recollect.

Cross-examination.

Q. By M. L. Buchwalter, of the counsel for contestant. Where did you get those names?

A. I heard them call their names as such.

Q. Have you remembered them since?

A. Yes, sir.

Q. Have you remembered these same names since the election?

A. Yes, sir.

Q. Without making any memorandum of them?

A. Yes, sir.

Q. Did you know the parties before the day of election?

A. No, sir.

Q. Have you seen them since?

A. No, sir.

Q. Do you remember the names of any other persons who voted that day, whom you had never seen before or since, nor heard their names before?

A. I can't recollect now.

Q. Were there many challenges made in the Eighteenth Ward on the 10th day of October, 1876? Was it an exciting time at your polls that day?

A. There were quite a lot of challenges; the excitement wasn't very bad, as I recollect.

Q. Is that the ward and precinct where one E. M. Davis was one of the Democratic judges?

A. To the best of my knowledge, I believe so.

Q. Is he the same Davis who was indicted in the United States Court?

A. That I don't know. I've never been there, and couldn't tell you any thing about it.

Q. Don't you know that E. M. Davis was indicted since October 10, 1876?

A. Not that I know of.

Q. Do you know E. M. Davis?

A. Providing he is close enough to me I might know him if I see him.

Q. Do you mean to state, under oath, that you have no knowledge of his arrest for his conduct on election day in that precinct?

A. Not that I recollect.

Q. Was E. P. Bradstreet one of your judges in that election at that precinct?

A. I don't know as I know him.

Q. Did you know him then?

A. Not that I know of, and I don't know him now.

Q. Was Bradstreet a Democratic or Republican judge?

A. That I don't know.

Q. Did you not have two Democratic judges in that precinct to one Republican, on election day?

A. That I don't know.

Q. How old are you?

A. Thirty-four.

Q. Where do you live?

A. 222 West Third steeet.

Q. Between what two streets?

A. Between Plum and Central avenue.

Q. Live in the same place October 10, 1876?

A. Yes, sir.

Q. How long have you lived there?

A. I've been living there—let me see how long; I've been living there over eight months.

Q. Where did you move from?

A. I was living at 37 West Sixth street; that is, I was living there, but I left there and went to other places; I was boarding down on the corner of Smith and Front, and I moved from there to Third street.

Q. What ward is Smith and Front?

A. I believe it is the Nineteenth.

Q. Where did you vote the election just before October 10, 1876?

A. I believe I voted in the Sixth Ward.

Q. When was that?

A. I believe it was last spring election.

Q. Were you married or single at the time of the October election? Were you keeping house, or boarding?

A. I was married, but my wife was living out; I was boarding, she was living out; that is, working out.

Q. Who were you boarding with on Smith and Front, and who were you living with on Third street? Give the names.

A. I disrecollect the man's name on Smith and Front, but I was boarding at Mrs. Kelley's, 222 West Third street.

Q. Does John Kelly, who testified yesterday in this case, live at the same house?

A. John Kelly lives at the same house, but what he testified yesterday I don't know anything about that.

Q. Was he at the polls on election day with you at the First Precinct, Eighteenth Ward?

A. Yes, sir.

Q. What part of the day was he there?

A. I believe all day.

Q. Did he have anything to say to those colored men who came up to vote?

A. I told him to watch them fellows and put their names down who came from that stable, 181 Elm street, and he told me to put them down; but I don't recollect the names, only what I have stated.

Q. Did you vote and work for the Democratic ticket that day?

A. Yes, sir.

Q. Who paid you for it, and how much?

A. Well, I tell you, I got two or three dollars; I forget the man's name that paid me.

Q. Did you get that for working for the ticket, or for not working for some parties, or for voting, or how?

A. That was given to me for to use as I felt disposed.

Q. How much did Kelly get?

A. I don't know.

Q. Did Kelly state to you whether he got any money, or how much?

A. No, sir.

Q. Were you with him the night he got in the row and so badly cut?

A. No, sir.

Q. Were all of the parties challenged—these colored people that you say gave their residence at Fay's?

A. Yes, sir; I believe they were.

Q. How many of their votes were refused, if any, by your two Democratic judges?

(Objected to because he has not testified that there were two Democratic judges.)

A. None that I know of.

Q. Do you know who voted on that day and gave their residence at Fay's stable? Give their names.

A. I don't recollect, only those that I told you before.

Q. What did you tell us before?

A. I told you I recollected two by the name of Williams and one by the name of Smith, and the others I don't recollect.

Q. What were their first names?

A. That I don't recollect.

Q. Do you live with Kelly now?

A. I board with his mother.

Q. Do you live in the same house—do you room together?

A. I live there, but I don't room with him.

Q. What did he say to you about keeping these names within the last few days or weeks?

A. Nothing.

Q. How did you know he kept them?

A. Because I told him to take their names when they were voting, and I saw him do it.

Q. Was that not done in a loud voice by you to frighten the colored men on election day?

A. No, sir; I wanted to see if they were entitled to vote—if they wasn't, not to vote. I saw four or five of them voting. They say they came from 181 Elm street. Then a short while afterwards I went up to 181 Elm street. This was about 9 o'clock in the morning on the 10th of October; and I asked a colored man at the stable how many colored men boarded there, and he told me four or five. Then I saw them come down afterwards, colored men from that stable, eight or nine of them, and vote, and their votes were challenged; and during that time, between 9 o'clock in the morning and 6 in the evening, I told John Kelly to take their names down and see how many men did vote and did live in that stable.

(Counsel for contestant objected to the part of this answer that is hearsay.)

Q. What name did the colored man give when he voted, of whom you inquired at the stable?

A. I didn't ask him of no names.

Q. I thought you had Kelly keep a list of all who voted from that stable?

A. I told him to put their names down, and I saw him putting their names down, but I don't recollect only the names I have told you.

Q. Do you know if he put down the names of all the colored men who gave their residence at Fay's stable, 181 Elm street?

A. I think he put down nine or ten, but did not put down the rest. He put down that many after 9 o'clock, but if he put down any before, I don't know.

Q. When you first called his attention to that first batch of colored voters, did you ask him to put down their names, and did he do it?

A. I don't think he put down any names till after that batch voted, and I think it was after 9 o'clock when I told him to put their names down, between that and poll-closing time, to watch them all, and put down the names of all who voted from that stable.

Q. Did you ask him to put down the names of the first batch who voted?

A. No, sir, I did not.

Q. Did they attract your attention when they first came in to vote?

A. Well, yes, sir.

Q. Is that how you remember any of their names?

A. No, sir, I think it was later in the day that I recollected the names I gave you; I don't recollect any of their names.

Q. What time in the day did the two Williamses and the Smith vote, whom you have named?

A. It was in the afternoon; I don't recollect the exact time; between that and evening.

Q. Was it after half of the votes had been polled?

A. I believe it was.

Q. What time of day was it you called his attention to take the names of the others down, in the afternoon or forenoon?

A. It was after 9 or 10 o'clock in the morning.

Q. Was it afternoon or forenoon?

A. I know it was before dinner, whether it was 9 or 10 o'clock I can't say, but I know it was after 9.

Q. Did they all vote in the forenoon?

A. I am pretty sure they voted between 9 A.M. and time of closing polls, that is those that he challenged, that is, at least, those I told him to watch and put down the names of, those that came from the stable.

Q. Did any of them vote in the afternoon?

A. Yes, sir.

Q. How many?

A. Well, I can't exactly say how many there may be—six or seven.

Q. Was there any person with them, or who vouched for them at the polls whom you then knew?

A. Well, there was some colored fellow there who said he kew them; that they were all right; that they came from there. They didn't come in a batch, they came one at a time.

Q. Can you give the name of the colored man who vouched for them? and where does he live?

A. No, sir; I don't know his name, nor I don't know where he lives; but I saw him at the polls all day, pretty much. I am pretty short-sighted: I can't hardly tell a man across the street.

Q. Did not the Democratic managers in your ward have several reliable men on the inside of the polls who took down the names of all they thought to be doubtful colored voters at the October election?

A. I was not personally acquainted with anybody inside the polls.

Q. Were you a stranger to most of the workers in the ward?

A. Yes, sir; I hadn't been in the ward only about eight months, to the best of my knowledge, or nine months.

Q. Did you not move to Mrs. Kelly's in the latter part of September, 1876?

A. No, sir.

Q. Have you been to Fay's stables since the election?

A. No, sir.

Q. Has Kelly, to your knowledge?

A. Not that I know; that I don't know any thing about.

Q. Have you not been to make inquiry about these illegal voters since October 10, 1876, at Fay's, or any place in the ward?

A. No, sir.

Q. Have you taken any steps to inform the Democratic executive committee about them?

A. No, sir.

Q. Did you make any effort to have them arrested?

A. No, sir.

Q. Did you not inquire, and do you not know, that John Harris lived at 228 West Fifth street, R. White at 67 Longworth, H. Williams at 344 West Fifth, W. D. Hart at 318 West Fifth, J. Jackson at 164 Smith, Joseph Williams at 214 West Fourth, Harris Wright at 174 West Fourth, and Miles Williams at 13 Perry street? that they gave those residences when challenged at the polls, and that these places are in the Eighteenth ward, first precinct?

A. I don't know none of these men. I did not inquire, nor I don't know none of these men; but I believe some of those numbers are in the first precinct, Eighteenth ward.

Q. Why did you not have them arrested if you thought they voted illegally?

A. I told Mr. Kelly to put their names down so that he might have them arrested if they voted illegally.

Q. How many colored men do you know by name and by sight in the Eighteenth ward, first precinct? State the number.

A. I don't know no colored men by sight in the Eighteenth ward, nor I don't know how many there is there.

Q. Do you remember the names of any other persons, white or black, than the three you have named, who were challenged in the Eighteenth ward, first precinct, on election day, October 10, 1876?

A. I don't recollect.

Q. Were there many challenged that day?

A. Yes; I guess there were quite a lot.

MICHAEL O'SHAUGHNEY.

And further, Dennis Shean, a witness of lawful age, being first duly sworn by me, deposes and saith as follows:

Q. By C. W. Cowan, of counsel for contestee. State your name, age, and residence.

A. My name is Dennis Shean; my age twenty-seven years—born the 22d of January, 1850; residence back of John Sullivan's undertaking shop, on Central avenue, back of 151.

Q. Were you present at the polls of the first precinct of the Eighteenth ward on the tenth day of October, 1876?

A. Yes, sir.

Q. What election was taking place at that time?

A. The county election.

Q. What officers besides county officers were being voted for? Wasn't it a general State election?

A. It was a general State election.

Q. Were persons voted for for Judges of the Court of Common Pleas of Hamilton county, Ohio, at that election?

A. Yes, sir; five of them on each ticket.

Q. What colored persons voted at those polls at that election who gave their place of residence at Fay's livery stable, No. 181 Elm street, Cincinnati?

A. Some between eight and twelve voters swore their votes in that said they lived there.

Q. What position, if any, did you occupy on that day?

A. Well, I was placed on the first challenging committee on that day. I was on the executive committee, and appointed the rallying and challenging committees—selected them all. I acted for the executive, as he was not well acquainted. He wasn't well posted in the good workers, and left it to me to pick them out for him.

Q. Were the colored persons who claimed to reside at Fay's livery stable, 181 Elm street, challenged? and if so, by whom?

A. They were challenged by me—the majority of them. I was there about eight or ten hours doing nothing but challenging.

Q. Were they sworn after they were challenged?

A. Yes, sir.

Q. Could you give the name of the judges of that election and their politics? If so, do it.

A. Yes, sir; the names of the judges of that election were Mr. Davis, Democratic, Mr. Rudolph, Republicon, and Mr. Neave, Republican.

Q. State what ticket, if you know, the colored persons above referred to voted.

A. They voted the Republican ticket; you could tell what ticket they voted, because they were different; you could see the print through the ticket when they were folded up to go into the box; the Republican ticket was a little wider than the other one, to the best of my knowledge.

Q. State if you have any other means of knowing than those above stated as to the kind of ticket; if so, state how you know.

A. Because they voted the ticket; they had the tickets open in their hands, the Republican tickets, and folded them after they came onto the platform; I saw the tickets.

Cross-examination.

Q. By M. L. Buchwalter, of counsel for contestant. I thought you said this morning that you only saw the tickets folded, and that you could tell the Republican tickets from the Democratic tickets when they were folded up, that the tickets were wider?

A. Well, I seen them when they were folded up and I seen them when they came up on the stand with their tickets open; some of them voted open tickets; they don't all deposit the tickets alike.

Q. Did you not answer in examination in chief, on the preceding pages, that "they voted the Republican ticket; you could tell what ticket they voted because they were different; you could see the print through the ticket when they were folded up to go into the box; the Republican ticket was a little wider than the other one, to the best of my knowledge"?

A. Yes, I answered that this morning.

Q. Did you give a full, true answer this morning?

A. To the best of my knowledge I did.

Q. Do you know those men who voted whom you have mentioned?

A. No, sir, I couldn't remember them all, there were so many voted that day; there was such a big vote polled that I couldn't remember who voted, only those I was personally acquainted with.

Q. Can you tell this ticket, as now folded and within a foot of your eyes, held under the gaslight, marked "Exhibit A," whether it be Republican or Democratic?

A. No, sir, I can't tell that ticket just now; it may be folded in a different manner.

Q. Look at this ticket, held at the same distance and same light, and folded as per "Exhibit B," and tell me whether it be Democratic or Republican?

A. Well, to the best of my knowledge, that is the Democratic ticket right there.

Q. Were you on the challenging committee?

A. Yes, sir.

Q. Did you keep a list of those you challenged?

A. No, sir; I challenged so many that day it would keep a fellow busy to keep the list of them.

Q. Were there many colored voters?

A. Yes, sir; I should judge that from seventy-five to one hundred colored persons voted there; they voted pretty rapidly.

Q. Were they all challenged?

A. No, sir; some few that I knew personally I didn't challenge; I let them go ahead; I knew they were all right.

Q. Were most of them challenged?

A. Yes, sir; the biggest majority of them were challenged.

Q. Did not the managers of your party in your ward have a book with a list of the voters in, or at least the colored voters?

A. Yes, sir; they had a list with part of the colored voters in; they din't have all of them because they couldn't find them. I guess when a colored man was challenged they looked at this book, and sometimes the name wasn't there and sometimes it was.

Q. When the name was not on your books, or you suspicioned they were not voters in the ward, did you not send a committee to the house where they lived, or said they lived, before you let them vote?

A. Some we sent a committee with and some we didn't. The biggest majority we sent a committee with—a committee of both sides.

Q. Did you generally go?

A. No, sir; I didn't go with any of them.

Q. Did you find any colored voter who was challenged who did not live at the place he told you on that day? If so, give the name and the place where you went.

A. I didn't go any where with nobody. The committee that went with them brought back a report that they lived there.

Q. Would you then let them vote?

A. Yes, sir.

Q. Can you give the name of any colored man in the First precinct of the Eighteenth Ward who of your own knowledge cast an illegal vote for the Republican ticket October 10, 1876?

A. No, I can't name nobody; if I did I should have had them pulled long ago.

Q. Have you attempted to pull any body?

A. No, sir; I never bothered my head about the election the next day afterwards.

Q. How do you remember any thing about the number of persons who represented that they lived or worked at Fay's livery stable?

A. Well, I don't know whether there was eight, or twelve, or twenty voted from there. They voted pretty rapidly. I should judge that there were about eight or twelve. It looked as if nearly every body that voted came from there or 12 or 14 Home street.

Q. Didn't you send a committee down to Fay's and to 12 and 14 Home street before you let part of them vote?

A. Well, I only remember them sending once to Fay's stable, but they sent to 12 and 14 Home street five or six times. I think Mr. Scott, now on the Star, said he was willing to swear that one man worked there at Fay's, but not that he lived there. Whether they sent a committee with this man I am not positive.

Q. Did you let the men vote after the committee came back from Fay's—was it all satisfactory that time?

A. Yes, sir; after having a little wrangling about it we let them vote. Both committees were quarreling among themselves. After they went to the house one committee would say that they said this and the other that they said that. I am not certain whether this was about Fay's or the other places. One white boy that lived on Longworth street the committee went to see about him, and they said that the woman was blind or dumb, and the committee had a wrangle about it because some did not think

she could recognize him. He came to the stand two or three times and was challenged, but the third time we let him vote. They wrangled about it for an hour.

Q. Do you know where the boy lived on Longworth street?

A. No, sir. I only see him walking about in that neighborhood. I don't know what part of the street he lives on.

Q. What part of Longworth street is in the first precinct of the Eighteenth Ward?

A. The south side is in the first precinct; the other side is in the second.

Q. You don't say he was an illegal voter?

A. No, sir, I don't say that; whether he is a legal voter or not, he looked to me as if he was n't of age.

Q. Do you know Kelly, who testified here yesterday, from your ward?

A. Yes, sir.

Q. Was he cut on the day of election, or the day after?

A. I think he was cut the evening after the election, between five and six o'clock.

Q. Was he badly hurt?

A. Yes, sir; they did n't expect him to live for the first four, five, or six days in bed.

Q. What condition was Kelly in on election day, October 10, 1876?

A. He was sober.

Q. Did n't he feel his liquor pretty badly during the afternoon of that day?

A. No, sir; I should n't judge he did, because he did n't have any thing in him. He may have had a glass of beer or two, but whether he felt that or not I can't say. I thought he was perfectly sober.

Q. Can you tell whether it was in the forenoon or afternoon that O'Shannessy was in the first precinct of the Eighteenth Ward?

A. Mr. O'Shannessy was there all the day; he was not away from the polls half an hour at a time to my knowledge at the October election.

Q. Did you distribute the money among the boys?

A. No, sir; I did n't handle no money for to distribute; I did n't have any to handle. The regular executive did that I guess—Mr. Rickner.

Q. Were you paid for your services? If so, how much?

A. Well, I don't know whether I was n't paid for electioneering or not. I was given five dollars, and I spent it during the day. I only had fifty cents or one dollar at night. If any body wanted to borrow any money, I let them have it—ten or fifteen cents. I generally do that anyhow.

Q. What is your occupation?

A. Paper-hanger.

JAMES SPENCER.

I certify that the foregoing depositions of George D. Schatzman, John Harris, and Alex. Neave were then and there reduced to writing by me, in the presence of deponents, in short-hand, by consent of parties to said cause, who were respectively represented by counsel at the taking of said depositions.

That it was there and then agreed to, in my presence, by said counsel, that my transcript of said short-hand notes might be read in evidence at the trial of said cause, with the same force and effect, to all intents and purposes, as if said transcript had been signed by said deponent at the time of the taking of said depositions.

I further certify that I am not a counsel or attorney for either parties to said cause, and that I am in no way interested in the event thereof.

In testimony whereof, I have hereunto set my hand and notarial seal, this twenty-sixth day of February, 1877.

E. H. RYDAL, *Notary Public, Hamilton County, Ohio.*

Continuation of Cross-examination of Michael Ryan.

Q. What time was it that you left the corner of Fifth and Vine?

A. I should think about half past twelve o'clock, or a quarter to one.

Q. Can you give the name that you voted there?

A. No; I don't recollect any name that I voted. I can not even recollect the name I was arrested on; I think it was Johnson.

Q. You saw six vote there, you say?

A. Yes; I saw eight vote.

Q. All voted folded tickets?

A. Yes, sir.

Q. Where did you go from there?

A. We went right along the street; I think it was about four or five blocks we went.

Q. Up the hill?

A. Up that wooden street, I think they call it. Let us see—I am not positive—we went right along that street—runs that way along towards the river.

Q. Then you went north?

A. Yes, sir; after we left this coal office across the railroad track.

Q. About how many squares?

A. Five squares, I guess.

Q. How many voted there?

A. Only six.

Q. What became of the other two?

A. They didn't vote. One of them was afraid of getting challenged, and didn't go up at all. Only six voted there.

Q. Then you went to the next place?

A. Yes; on the same street.

Q. How much further?

A. Well, I guess it was about four squares further.

Q. Where was the election held—that just spoken of before this one?

A. I think it was at an engine-house.

Q. Where was the election held at the next place between the two, on the same street?

A. At the coal office.

Q. On the corner of the street?

A. Very near the corner.

Q. On the same street?

A. On the same street.

Q. How many voted there?

A. Eight voted there.

Q. These other two men that didn't vote here voted there?

A. Yes, sir.

Q. And voted folded tickets?

A. Yes, sir.

Q. Did you see what was on the tickets?

A. I don't know whether they seen the tickets.

Q. Where were the tickets handed to them?

A. Handed to them about two or three doors away from the polls.

Q. What was your impression as to their being folded?

A. I handed tickets that were folded.

Q. You handed tickets there that were folded. You say you did not know any of those men there?

A. Well, cannot tell, exactly. I stayed long enough to get through, I guess. It must have taken us three quarters of an hour. They were, in the first place, pretty slow in getting in.

Q. Where did you go from there?

A. Went from there to the engine house.

Q. On the same street?

A. Yes, sir.

(In giving my testimony I thought you brought me back to the first place; to the coal office.)

Q. Now, then, repeat again where you went from the coal office on Third street. You went from the corner of Fifth and Vine to Third. Then you went west on Third about how far?

A. Must be five or six blocks.

Q. Did you cross any railroad track before you got to the first polls?

A. I think I did. I am not positive that I did.

Q. Did you continue on that street until you got to the polling place?

A. Yes, sir.

Q. Now, then, that polling place was held at the coal office?

A. Yes.

Q. You went from there north?

A. Yes, sir.

Q. How far?

A. I went, I guess, about four blocks, I think, or five.

Q. Where was the polling place?

A. I think it was an engine house on the same street.

Q. Then where did you go from there?

A. On up again four or five more squares on the same street, and voted again.

Q. What kind of a polling place was that?

A. I am blest if I know. I could not exactly tell. I think it was a lager-beer store. I am not certain.

Q. You have testified before as to the number of men that voted at these different places. Now, then, how long did you remain at that particular place?

A. Well, I should judge that we remained there about half an hour.

Q. Who voted first there?

A. I think I voted first there.

Q. Who voted next?

A. Condon, guess.

Q. Did the others vote immedlately afterward?

A. Just as soon as they could get in they voted.

Q. Did they follow you right up?

A. No, other people got in between them. They followed one another as fast as they could get in.

Q. After you voted where did you go?

A. I just went up a little ways from the polls and waited for them.

Q. Did you see them vote?

A. Yes, sir.

Q. Was there a large crowd around the polls?

A. Not very large; fifteen or twenty people.

Q. They voted the folded tickets there?

A. Yes, sir.

Q. Then where did you go?

A. Went right along on the same street; crossed, I think it was, the horse-cars; went along about four or five squares more.

Q. Did you go together there?

A. Well, we walked one after the other; certainly did not walk together; thought some suspicion might be attached by walking together.

Q. You walked together before that time?

A. No, sir; we didn't walk a block away from each other.

Q. Who gave tickets at the Fourth ward polls?

A. Condon gave tickets at the Fourth ward polls.

Q. Did you see them?

A. Yes, sir.

Q. Did he give you your tickets?

A. Yes. I told him I didn't want—"Well," says he, "this will do just as——"

Q. They were all folded?

A. Yes, sir; they were all folded.

Q. Then you swear positively you saw them all deposit their tickets in the ballot-box?

A. This is the Fourth polls. I saw them give the tickets to the judge.

Q. You swear you saw them go into the ballot-box?

A. I guess they must have gone in.

Q. Were they challenged?

A. No, sir; none challenged at any of these places.

Q. No challenges from the time you commenced in the morning?

A. I was not challenged.

Q. Any of your men challenged?

A. I can not account for any of the men in the morning. I was not interested in any of them.

Q. Were any of the men in the morning challenged?

A. No, sir.

Q. Were you close enough to see them?

A. Well, no; I didn't stay in the morning. I went away.

Q. Then you don't know whether they voted or not, only from hearsay, in the morning?

A. No.

Q. You don't know of any only those you have named having voted, except from hearsay?

A. In the morning.

Q. In the afternoon were any challenged?

A. No, sir, only at the second place. There were only six that voted. One got on the stand, was challenged, and got off and would not vote. The other man didn't vote.

Q. Were not the rest of you challenged?

A. No, sir.

Q. Where did you go from that place then?

A. I went right up to another place on the same street.

Q. How many were there?

A. Well, the whole of us went there.

Q. Did you see them all vote?

A. They all gave their tickets and voted. I saw them get their tickets. If the judge put them in the box, they voted. That is all I know.

Q. Were they folded tickets?

A. Yes.

Q. Who voted first?

A. Two of the other party voted first; me and Condon voted next.

Q. How many was there voted there?

A. The whole eight voted there.

Q. Where did you go from there? How long did you remain there?

A. Well, I guess it took us, fooling around and walking up there, took us an hour to get there. Must be in the neighborhood of half-past three o'clock when we got there.

Q. Where yid you go from there?

A. Well, I went up on the same street to another place there.

Q. Which way?

A. Right up north.

Q. On the same street?

A. Yes, sir.

Q. Voted at another place?

A. Yes, sir.

Q. Where did you vote there?

A. They have a polling-place there.

Q. How many voted there?

A. The whole of us—eight of us.

Q. You say you think two of your men were residents of the city of the last gang?

A. Yes, sir.

Q. Do you know whereabouts in the city they lived?

A. I don't; I never seen them before.

Q. Where did you go from there?

A. From there I was going down the street; I slid out from the party there going down the street, and got arrested; turned back.

Q. Do you know who arrested you?

A. No, sir.

Q. Was it an officer?

A. Yes, sir.

Q. Police officer?

A. Yes, sir.

Q. More than one?

A. There was two, I believe.

Q. Were you and the gang together at that time?

A. No; they run away; they was straggling behind.

Q. How do you know they run away?

A. I didn't see any come to the station-house with me. They separated, and run away.

Q. What time did you get to the station-house?

A. I could not tell; it must be four o'clock before they got into the station-house.

Q. Were you bailed out the same night?

A. Yes, I was bailed out; I believe I was pretty certain of that; I seen the bond paper.

Q. Did you see Whitton and Young and O'Brien after you left them at half-past twelve o'clock?

A. No; I didn't see them until that night about twelve o'clock, in the Empire, I guess.

Q. Did you see Holland any time during that day?

A. I seen him in the morning; not until I saw him that night after I got out.

Q. Did you see that Condon got these tickets from Holland?

A. He told me. He said: I will go over and see Holland and get tickets of him. I didn't see him get the tickets of him.

Q. Which time was that he said he got tickets?

A. In the morning, I guess; it was about half-past six o'clock.

Q. He went there to Holland to get the tickets, did he?

A. Yes, sir, he went there, and I met him at Hunt's.

Q. Went from Hunt's after he had seen you?

A. The rest of us went in and got coffee.

Q. Went to Holland to get the tickets?

A. Yes, sir.

Q. Did he say he was going to Holland for the tickets?

A. Yes, sir, I believe he did.

Q. Did he come back with the tickets?

A. Yes.

Q. How long after he came back did you see the tickets?

A. He had them in his pocket. I didn't take any notice until he got to the Fourth ward, when we went to vote.

Q. All regularly folded up?

A. Yes, sir.

Q. Was Condon with you all the time during the forenoon?

A. Yes, sir.

Q. The tickets were taken out of his pocket at the different places all folded up?

A. Yes, sir; handed them out of his pocket.

Q. Was Condon away from you; at any time out of your sight during the forenoon?

A. Yes, I left him at the corner—around at the polls.

Q. Which polls?

A. Up here, I think, in the engine-house, street above Fifth street, fourth polls, in the morning.

Q. Where did he go; do you know?

A. I do not.

Q. Do you know how long he was gone?

A. He was gone, I should judge, about an hour. I saw him down at the Empire—I met him there.

Q. You did not vote after he left you that time?

A. No, I did not.

Q. You say you had no connection, or Condon had no connection with Holland after you met him at the Fourth Ward polls, until—

A. I don't know about that.

Q. Was Condon away from you at any other time? During the daytime you were engaged in voting.

A. Not for half a block. We generally walked together—might go up to some one to give a ticket.

Q. Do you know where Condon got the tickets he used in the afternoon?

A. I don't know where he got them; I think he must have got them from Holland; I made no inquiries.

Q. To whom did you first communicate these facts?

A. Nobody.

Q. Do you say you have never told any body before you came to this office this evening?

A. No, sir; only Mr. Campbell. He told me I was arrested. I was identified here. I told him I was not the party. Some people down there identified me in the Marshal's office. I was taken to the station house.

Q. Who acted as your attorney?

A. Mr. Campbell. He came to me and said to me that I was sure of getting sentence, but I might as well tell all I know of this election business. I told him I did not care about any thing dishonorable to tell any thing; I did not want to be implicated in it. He said it is better for you to do it; in fact, save yourself from going to prison—get a short sentence for you. Well, says I, if I must—if I am forced to testify I will testify to the truth.

Q. When did this conversation take place?

A. After I was arrested—in the jail.

Q. Did you send for Mr. Campbell?

A. Yes, sir; through Mr. Holland.

Q. Mr. Holland sent you to Mr. Campbell. You employed Mr. Campbell as your attorney. Please go on and tell; did you tell him all this?

A. No, sir; I did not.

Q. Stated your sentence would be shortened by telling it?

A. Yes, sir; in the eyes of the Judge. Might shorten my sentence.

Q. Then you testified with the expectation that your sentence will be reduced by testifying?

A. Well, yes. I do not want to state for politicians who never benefited me.

Q. You say no politicians ever came near you?

A. No body else.

Q. Have you seen any body in jail?

A. I saw some of my friends.

Q. You say that you have had no conversation then with any one in relation to what you testified, except Mr. Campbell at that time?

A. That is all I have had.

Q. How frequently have you seen Mr. Holland since then?

A. I have seen him twice, I believe.

Q. Where did you see him?

A. Saw him come to the door; told him I wanted to get some clean under clothing. He said he would send them up to me.

Q. Did you say that you had no conversation with Mr. Holland in relation to what you done that day?

A. No, sir.

Q. Never had any conversation?

A. No, sir.

Q. When was it you were arrested in New York?

A. Last Wednesday, week.

Q. Did you see Mr. Holland in New York, when he was there?

A. Yes, sir; I seen him once, that was all.

Q. Did you know that he had been indicted?

A. Yes, sir.

Q. Did he tell you?

A. No, I saw it in the papers.

Q. Did you not say you asked him?

A. I knew it without asking.

Q. Do you know anything about the nature of the indictment?

A. Never went into any of the details; I don't like to pry into men's business.

Q. How long have you been acquainted with him?

A. Well, I guess seven or eight months.

Q. Had business transactions with him?

A. No, none whatever.

Q. Gambling with him?

A. Never gambled in the gentleman's house in my life.

Q. Anywhere else?

A. No, sir.

Q. Do you say that you never had any conversation with Mr. Campbell, or anybody else, from the time you had that conversation in jail, or any other man, except the conversation you detailed, until you came on the stand this afternoon?

A. Yes, I said that; I had no counsel in the United States Court; no attorney appeared for me.

Q. Have you not had a conversation this afternoon, and were you not in consultation with Holland and two or three others in Mr. Campbell's office this afternoon for some time before you came on the stand as a witness?

A. I had no conversation with him.

Re-direct examination.

Q. For what party were you wanted to assist in the election, and for what ticket did you and the men that were with you that day, work and vote?

A. The Democratic party; voted that way all my life; Democratic ticket, the ticket I was working for.

Q. State whether or not of the tickets you did see, whether they were the Democratic state and county tickets?

A. Well, I suppose they was, for they come from one place.

Q. Was the word "Democratic" printed on each of the tickets?

A. I think it was; they were all one kind, folded up; it is so long ago that I scarcely remember.

Q. Please examine the ticket now handed you, and state whether or not that appears to be a fac-simile of the ticket that you worked for, and voted that day?

A. Yes, sir, this seems to be.

Q. Now fold the ticket in about the way in which it was handed to you.

A. To the best of my knowledge that was the way they were handed to me; that I think it was, to the best of my knowledge, the way it was folded, or a little narrower than that.

(Counsel agree that this ticket be attached in that form.)

Re-cross-examination.

Q. How then do you say that that ticket which you have attached to your deposition is the ticket you voted, when you say that they were all folded, that you did not see them, except at the time you have referred to?

A. Well, the same man gave them to me all the time; got them out of the same pocket—a little side pocket—that is the reason I am pretty positive that it was the same ticket.

Q. Well, now then, when you say that the ticket that you handed was folded the way that it is attached to your deposition—was it folded the way that one is?

A. It might be.

Q. Can you swear that the ticket was folded that way, with the print on the outside?

A. To the best of my knowledge—they might have been a little narrower—I think that is the way the ticket was folded.

Q. May they not have been folded that way—(indicating)?

A. The way I had; that is the way the ticket was folded, to the best of my knowledge.

Q. Do you swear that you saw the words "Democratic State Ticket" on any of the tickets, except the one you opened?

A. I won't be positive; I think they were the same tickets; that was the only one I seen—the first; I opened for curiosity sake.

Q. You can not say what names were on that ticket?

A. No, sir, I could not say.

Q. Might not the tickets have been folded this way—(indicating)?

A. I don't think it was quite as narrow as that; I think some of them might have been folded up that way—(referring to ticket attached).

MICHAEL RYAN

I certify that the foregoing depositions of Michael Ryan were then and there reduced to writing by me, in the presence of deponents, in short-hand, by consent of parties to said cause, who were respectively represented by counsel at the taking of said depositions; that it was there and then agreed to in my presence, by said counsel, that my transcript of said short-hand notes might be read in evidence at the trial of said cause, with the same force and effect, to all intents and purposes, as if said transcript had been signed by said deponent at the time of the taking of said depositions.

I further certify that I am not a counsel or attorney for either parties to said cause, and that I am in no way interested in the event thereof.

In testimony whereof, I have hereunto set my hand and notarial seal, this twenty-sixth day of February, one thousand eight hundred and seventy-seven.

[SEAL.] E. H. RYDAL, *Notary Public Hamilton County.*

And, further, Bartley O'Connor, a witness of lawful age, being by me first duly sworn, deposes and saith as follows:

First question by C. W. Cowan, of counsel for contestee: Q. What is your name, age, and residence?

A. Bartley O'Connor; age, thirty-seven; residence, No. 70 Lock street, Fourth Ward, first precinct.

Q. State whether you were at the polls of that precinct on the 10th day of October, 1876; if so, at what time did you go there? how many votes, if any, were polled when you got there? and what persons, if any, were voting when you got there? and how did they stand about the polls?

A. Yes, sir. I got there about fifteen minutes past six—twenty at most. I could not say the exact number—not more than a dozen, I should judge. There was a line of colored men on the platform; they were the parties that were voting then. They were in the act of challenging when I got there, but the parties challenged swore their votes in. They were standing one behind another from the window out beyond the platform to the curbstone, I should think.

Q. Are you acquainted with Ephraim Holland? and where was he when you got to the polls that morning?

A. Yes, sir, slightly. I could not tell.

Q. Was he at the polls when you got there?

A. If he was I didn't see him.

Q. Do you know him well enough, and were you in a position to have seen him had he been at the polls when you got there?

A. I do, well. I was amongst the crowd. He might have been there without my seeing him. If he had been there I would have probably seen him, because I ran for Executive against him, and know his figure well.

Q. State whether you were present at said polls during the afternoon of that day; and if so, did you see Ephraim Holland, and who was he with, during any portion of the time that you saw him that afternoon?

A. I was there in the afternoon—early in the afternoon. I did see him. I couldn't mention the names of any parties particularly.

Cross-examination by M. L. Buchwalter, of Counsel for Contestant.

Q. Were you at the polls of the first precinct, Fourth Ward, during the whole of the forenoon or during the whole of the afternoon?

A. For a short time in the forenoon only; all the afternoon from about half-past one or two o'clock until they closed.

Q. Did you see Holland there frequently during the afternoon?

A. I can't say.

Q. What is your occupation?

A. Sweeper of Court street market-house. I have charge of it.

BARTLEY O'CONNOR.

And, further, John Hagerty, a witness of lawful age, being by me first duly sworn, deposes and saith as follows:

First question by C. W. Cowan, of counsel for contestee: Q. What is your name, age, and residence?

A. John Hagerty; age, twenty-five the 11th of last May; residence, 125 Bann street, first precinct of the Fourth Ward.

Q. State if you were present at the election held on the 10th day of October, 1876, in that precinct; if so, at what time did you go to the polls that morning, and how long did you remain?

A. I was present from a quarter to five till the close of the polls, and I was inside till after the count at four o'clock next morning.

Q. Were you absent from the polls at any time during the day; and if so, at what time and how long were you absent?

A. I was absent about fifteen minutes at one time, and about ten minutes at another; altogether twenty-five minutes. I was away from 12:15 to 12:30, and away the next time from about 5:30 to two minutes of six. My house is about a square from the polls, and I went home the first time to get something to eat, and the second time to get a lamp to count the votes by.

Q. How long have you lived in the ward? And are you acquainted with Ephraim Holland?

A. Well, I have lived in the ward off and on for about twenty-five years. I have been away three different times for about a year at each time. I am acquainted with him.

Q. At what time did you first see Ephraim Holland at the polls of the first precinct of the Fourth Ward?

A. Well, I can't state the hour, but don't really remember noticing him there till the afternoon. I am not positive about it.

Q. Was he or was he not there at the opening of the polls?

A. I did not notice him there.

Q. Would you have seen him there, if he had been there at the opening?

A. Yes, I am positive I would.

Q. State if you know what ticket, or what persons, if any, on the Republican ticket, Holland was electioneering for on that day.

A. I never noticed his ticket.

Q. State where Mr. Holland was on the afternoon of that day, and what was he doing, and who you saw with him.

A. Well, I saw him standing in front of the plank or gang-way going up to the voting place; he was holding tickets there. I can't say any individual; he was speaking to a great many parties round the polls who went up to vote.

Cross-examination.

Q. By M. L. Buchwalter, of counsel for contestee: How much of the afternoon did you see Mr. Holland there?

A. Well, I never missed him away; he may have been away without my knowing about it. There was a great crowd there. I never noticed him away.

Q. Did you hold any party position at those polls during the day? And did you notice the presence or absence of Mr. Holland more than the presence or absence of any other one at the polls?

A. Well, I had no position there that day, but was working for the ticket all day. Well, I noticed him more than any other, because he was executive, and I would have noticed had he been away, because he was looking after the others.

Q. What ticket were you working for?

A. The democratic ticket.

Q. What special part of the ticket, if any, were you interested in?

A. I was interested in the whole ticket, but chiefly for Paul Williamson.

Q. Were you an employé in his office prior to his election?

A. I was.

Q. Are you now an appointee under Mr. Bernard?

A. I am.

Q. Is this Mr. Bernard the county clerk, whose seat is now contested by Philip Kielorth?

A. He is. I don't know any thing about the contest, whether it is settled or how it is.

Q. Were there many people about the polls of the first precinct of the Fourth Ward where you were at work October 10, 1876?

A. There were at different times.

Q. In the forenoon or afternoon, or both?

A. Well, there was more there in the evening, from four till six, than at any other time.

Q. Did you have much excitement during the day?

A. No; none.

Q. Did you at night, toward the close of the poll?

A. No; I didn't notice any.

Q. Did you have a gangway, and was it left at the polls all day October 10, 1876?

A. Yes, I believe there was a gangway, and I think it was there all day; it was not disturbed.

Q. Was there the usual crowding and enthusiasm about the Fourth Ward polls which has usually characterized the election at those polls?

(Objected to by counsel for contestee as not being cross-examination, and not having any reference to cause at issue.)

A. Well, I didn't see any more enthusiasm than is there any other day. The crowd was very quiet and orderly. It was as quiet and orderly as any other election polls.

Q. You do not remember, then, you say, whether Mr. Holland was about the polls most of the time of the forenoon of election day of October, 1876?

A. I am positive he wasn't there when the polls were opened. I can't say, then, what hour he did come after that. No, that is all I can say. I am sure he wasn't there in the morning when the polls were opened, but can't say what hour of the day he did come. I did not notice him in the morning, but I did in the afternoon.

Re-examination.

Q. By C. W. Cowan, counsel for contestee: Was there any scratching of candidates for the office of Judge of the Court of Common Pleas on the Democratic ticket? If so, whose name was scratched, and what name, if any, of the Republican candidates inserted in lieu thereof?

A. Well, the names of all the five Judges was scratched more or less, some more than others. The only name I noticed on was Cox; on one or two Burnett; some of the tickets Rothe was scratched on, and Cox's name was inserted in its place; Cox's name was inserted on some of the tickets after two of the last five Judges; Rothe's name scratched more than any one else.

Q. Can you state the number of tickets thus scratched? or if not, the number as near as you can.

(Objected to.)

A. Well, I can't state the number, but I know that Cox got the most of the Republican Judges in our precinct. I think he must have been on twenty or more of our tickets.

(Answer objected to, because the ballot-box and tally-sheets are the best evidence.)

Re-cross-examination.

Q. By M. L. Buchwalter, of counsel for contestant: When Mr. Rothe's name on Democratic ticket was scratched, was it not in favor of Mr. Burnett or Captain J. B. Foraker, the additional Judges on the Republican ticket?

A. No, I don't remember that. The reason I don't remember the names of Foraker or Burnett being on any of the tickets—the reason I noticed Cox's name, was because the judges claimed it couldn't be counted because it was in the wrong place.

Q. How long did you stay at the polls that day?

A. From a quarter to five till closing, and then from closing till four in the morning.

Q. How many Republican tickets, if any, were scratched?

(Objected to.)

A. Well, I can't say; I can't remember the name.

(Objected to.)

Q. Do you remember any?

A. Well, I remember Pugh's name being on some of them. I couldn't remember many of them, because there were so many tickets scratched both ways that I can't remember; all the candidates names were scratched more or less.

Q. How many Republican tickets had Cox's name scratched, or scratched and some other name substituted?

A. I don't remember.

Q. Were there any?

A. That I can't say.

Q. What reason do you give for your want of knowledge as to the tickets with Cox's name on being scratched?

A. I have none.

JOHN HAGERTY.

(All the above questions and answers objected to in the re-cross-examination by the counsel for contestee.)

The further taking of depositions was adjourned to the 24th of February, 1877, same time and place.

JOHN J. MCCANN, *Notary Public, Hamilton Co.*

FEBRUARY 24, 1877.

Deposition resumed Saturday morning, February 24, 1877, at time and place as adjourned.

And further, Chas. C. Campbell, a witness, of lawful age, being first sworn by me, deposes and saith as follows:

Q. By C. W. Cowan, counsel for contestee: What is your name age, and residence?

A. C. C. Campbell; age, forty; residence, 583 East Third street, Fourth Ward, Second precinct, Cincinnati.

Q. Were you present at the State and county election held in that precinct and ward on the 10th day of October, 1876? if so, what time did you go there, and in what capacity, if any, did you act on that day?

A. I was; I went about half-past five in the morning; judge of the election.

Q. Give the names of the other judges, and the politics of the three judges.

A. Thos. Hazelton, Republican, and Mr. Martin—I think his first name is John, but I am not positive—also a Republican. I was there as a Democrat.

Q. Do you know what Mr. Martin's occupation is? or what position, if any; does he occupy?

A. He is a millwright, working at Greenwald's shop. He occupies no official position that I know of.

Q. State which one of the judges received the tickets from the voters, from the opening of the polls till twelve o'clock of that day.

A. We all more or less received the votes—sometimes one and sometimes another. Mr. Martin and myself received the greater part of them. It was run about the same way all day; we were all present, and whoever the ticket was handed to put the ticket in. I think Mr. Martin and myself received the majority of the ballots.

Q. Where was the election held on that day? and, if a gangway was used, please state.

A. At the Six's engine-house, corner of Pearl and Martin streets. There was a gangway. We held our polls at the large door where the engine comes out—it makes a very large door there—with a board across the door for a counter, and the gangway was placed about the middle of the doors—that is, in width—the judges standing at the board, the ballot-box immediately at their rear, placed upon a table. The voters that were not upon the gangway stood upon each side of it in full view.

Q. Are you acquainted with Ephraim Holland?

A. I know him when I see him; I can not say I know him personally. I know him so well that I don't think I could be mistaken in regard to him.

Q. You say that you went to the polls at half-past five o'clock in the morning; how long did you remain inside of the house?

A. To the best of my recollection I left it at about a quarter before twelve, morning.

Q. State if you know whether Ephraim Holland was at those polls at any time between the hour of six A.M and a quarter to twelve A.M.

A. He was not.

Q. State whether it would be possible for Ephraim Holland to come to those polls during those hours, heading a gang of eighteen men and you not know it?

(Objected to by counsel for contestant for leading and other reasons.)

A. I think not.

Q. State how long you have resided in that ward and precinct, and how frequently you have acted in the capacity of judge at the polls?

A. My residence has been there for twenty-seven years, off and on in that locality, but the wards have been changed and numbers altered. I have been there ever since it has been the Fourth Ward. I think twice.

Q. Are you well aquainted with the voters of the second precinct, Fourth Ward?

A. Yes, sir, I am.

Q. Was there any repeating or illegal votes cast at that precinct on the 10th of October, 1876?

A. I think not.

Q. Have you taken any measures to ascertain the residence of all the persons at that voted at that precinct on that day; and if so, when, and what measureres did you take, and who if any assisted you in ascertaining the fact?

A. I have, immediately after the October election. There were quite a number of them that assisted me, they was Pat. Conlin, Frank Mutt, Kline, I don't know what his first name is, and there was C. P. Wagner, and various others that I don't just remember their names just at the present time. I had a copy of the poll-book of the October election made in alphabetical form. We then hunted up the residence of the voters in the ward, marking with a lead pencil all those who we found living in the ward. The Repulicans had also made a thorough canvass of the ward without the poll-books. And we compare our poll-book, with their list also after we had got through. (They compared very well). The Republicans used their canvass book at the November eleection, for the purpose of checking illegal voting.

Q. Who is C. P. Wagner? And where does he live? And what are his politics?

A. He is an old resident of the Fourth Ward. He lives on East Front street, between Whittaker and Collord, near Whittaker. He is a Repulican.

Q. Is he an active worker in the Republican party?

A. He never was until this last election when he worked like a beaver.

Q. After a comparison by yourself and Mr. Wagner how many votes whose names were on the poll-books, could you find who were not residents of the precinct as ward?

(Objected to as not being the best and original evidence by counsel for contestant.

A. Well, I don't remember, but there was only five or six I think, so few that we concluded it was a very fair election.

Q. Whom do you mean by we?

A. Wagner and I.

(Objected to by counsel for contestant.)

Q. What position, if any, did you and Mr. Wagner occupy at the November election?

(Objected to by counsel for contestant.)

A. I occupied an official position, Mr. Wagner was judge of the election.

Q. Were you present at the November election? and, if so, what knowledge have you of Mr. Wagner using the same list that you refused, and for what purpose?

(Objected to by counsel for contestant.)

A. I was; Mr. Wagner was using the list for checking off the voters, that is, for strange voters he didn't know.

Q. Did the list that Mr. Wagner had, when you and him compared and checked off immediately after the October election, contain the names of Republican voters only, or of all the voters in the precinct?

(Objected to as not being the best evidence by counsel for contestant.)

A. It contained the names of all the citizens of the ward, of the age of twenty-one and upward, that they could get; Republicans and Democrats alike.

Q. Have you that list or a copy of it?

A. I have not.

Q. State if you were absent from the polls between the hours of a quarter to twelve and the closing of the polls; and, if so, for how long, at the October election?

A. I was; from in the neighborhood of five to half-past five o'clock; the balance of the time I was there.

Q. Was Ephraim Holland at those polls between a quarter to twelve and the time you left, five o'clock?

A. I think not.

Q. Could he have been there about the polls and where persons were voting without your seeing him?

(Objected to by counsel for contestant.)

A. I don't think he could.

Cross-Examination.

Q. By M. L. Buchwalter, of counsel for contestant. When the wards were re-named and changed, what alteration, if any, was made in the boundary of the voting precinct in which you now reside?

A. Before we were changed the voting precinct ran from Washington to Main streets, and bounded by Main, Third, and Washington streets and the river. The ward now is bounded by Willow street, by the river, Eggleston avenue, now, I can't give you the far boundary out north, because I don't know where the lines are; it is away out beyond

the Garden of Eden, and nobody lives there, and comes down Kemper lane; I say nobody lives there, there are so few live there, it is out in the country; it consists of the upper part of the old Third, lower part of the old Seventeenth, the upper part of the old First, and, I think, a small slice of the old Sixth Wards. Our voting precinct, where we vote, takes up the upper part of the old Third, the lower part of the old Sevententh, and a very small portion of the old First, making our voting part very compact; the other is all over the country.

Q. How many of the voters in the second precinct of the Fourth Ward do you personally know?

A. Well, as I never counted them I can't tell.

Q. Can you give an idea?

A. Well, sir, not the remotest.

Q. Would you recognize the one-half of the voters of that precinct, and know them by name?

A. I think I would know more than one-half of the voters by sight, but couldn't call their names; I am poor at remembering names.

Q. Would you known two-thirds by sight?

A. Well, I think I would recognize them as citizens of our precinct.

A. About what proportion of the voters of the ward do you think you would not know by sight?

A. Well, that is pretty hard to tell; I think I would know about three-fourths of them; we have about eight hundred voters in the ward. I don't think there are three hundred in the precinct that I wouldn't recognize as citizens.

Q. Of what nationality are the voters of your precinct chiefly?

A. I presume that the Irish would predominate slightly, but not much. I think they do not predominate much, as our precinct is Republican. We have all nationalities.

Q. How as to the first precinct?

(Objected to by counsel for contestee.)

A. The Irish predominate very largely.

Q. Were there any colored voters in your precinct at the October election, 1876?

A. There was not.

Q. Describe Ephraim Holland.

A. I couldn't describe my own wife, hardly. I couldn't tell the color of the eyes of my own children. It is impossible for me to describe him.

Q. Do you know if Holland had whiskers?

A. I do not know. I think he had. I'm not sure, but I think he had. I don't know that I've seen Holland for a year.

Q. Can you describe his form? Is he a large or small man? Is he tall and slender, or heavy set, or low?

A. He is what I would call a medium man.

Q. Do you know if he has dark black hair, or light hair?

A. I don't know that he has black hair or that he has light hair, but I think he has medium hair. He is rather what I call medium, or rather light complected.

Q. Do you remember to have ever spoken to Holland, or he to you?

A. I never did, sir. I never associate with gamblers.

Q. How many times have you seen him within the last five years? And if you remember, state when and where.

A. I couldn't say how many times I've seen him—I suppose fifteen or twenty times

I've seen him at the polls of the first precinct of the Fourth ward, and I've seen him on the streets.

Q. How are your polls situated? and the building you were in—does the engine-house stand out on a line with the pavement?

A. It does.

Q. Were your judges at the very front of the building, or were they back a few feet?

A. As close as they could get to the front. The board was right across the door, and the judges stood against the board.

Q. Of the time you were at the polls, were you inside all the time, or were you outside a part of the time among the workers?

A. I was inside all the time. I hadn't any thing to do with the workers.

Q. Might Holland have been at the outer edge of the crowd, or at the side of the engine-house and you not see him?

A. I think not in a position that he could have seen the voters. We could see the crowd better from the inside than from the outside. The Little Miami Railroad occupies one side of the street, and the voters, in approaching to the engine-house, generally cross the street. The railroad itself doesn't run along the street. It is their freight depot. The Nicholson pavement of the street runs right up to the wall of the freight depot, without any sidewalk. There is a pavement in front of the engine-house.

Q. Was the gangway at your polls during the entire day—in the evening as well as in the morning?

A. Yes, sir; from before the polls opened in the morning till after they closed in the evening.

Q. Was the gangway higher than the pavement, so that the voter could be a little above the crowd?

A. Well, I don't know that the gangway would raise the voter much. I don't think it would be more than four inches at most. It was made of about a two-inch scantling with an inch board nailed to it.

Q. Could not a person stand on the side of the engine doorway, a few feet from the doorway, and not be seen by you in the inside at your work?

A. Yes, that might be. I don't think that a man could stand so and see a man vote, if there was a big crowd, which there was all day.

Q. When you were busy during the election, and votes crowding in, before or after dinner, in the morning or toward the close of the polls at night, would your duties as judge, to be vigilant, wholly take your attention to receiving votes, challenging, etc.?

A. If that question was true it would. The vote ran very regularly throughout the day, and I think, toward the close of the polls, there must have been fifteen minutes when there was not a person voted. There couldn't be much crowding in a small precinct. We polled between eight hundred to nine hundred votes.

Q. Was your attention called that day to the fact that Holland was not in your precinct, by anybody?

A. It was not. Holland very seldom visits our precinct. I don't think that I have ever seen him at our polls at an election. If he had, my attention would have been called to it, from the fact that he was there, as he is quite a curiosity in our precinct, and would have been pointed out to everybody. He resides in the first precinct, and not the second.

Q. Is it not quite recent that Ephraim has become famous in Cincinnati?

A. He has been infamous ever since I first heard of him. If he is famous I don't know any thing about it.

Q. Hasn't he been of frequent service to the Democracy of that part of Cincinnati in local elections?

A. No, sir, I think he is a curse to the party—not any more now than I always did.

Q. In what respect, and why, do you call him a curse to his party?

A. I think any dishonorable man a curse to the party to which he belongs.

Q. Why do you call him dishonorable and a curse to the party to which he belongs?

A. Because a gambler can't be an honorable man.

Q. Have you any objections, as a Democrat of Cincinnati, to his recent conduct in the late election, and his reputation growing out of the same? and do you, from these facts, judge him to be a curse to the party to which he may belong?

Q. by witness. Well, do you mean to his procuring illegal votes, or to his telling about procuring illegal votes?

A. by attorney. I mean his conduct in the late election, and the reputation he has received on account of the same, as disclosed to the public.

A. of witness. As a Democrat, I oppose any man who may attempt to procure illegal votes, and believe him to be a curse to his party as well as a traitor to his country. A man that would do any thing to defile the ballot-box is a traitor to his country.

Q. Do you mean to say, in a previous answer, that if Holland and a gang of about eighteen men had come to the polls, that you would have detected them—all coming in a gang—because they came in such a gang?

A. I think, most undoubtedly, if Ephraim Holland had brought a gang of men over we would have detected them; if he had brought them over singly we would have detected them; or if Ephraim Holland had had any hand in bringing them over at all, we should have detected it.

Q. You don't mean to say, do you, that if an occasional illegal voter would have come up—sent in without being accompanied by Holland or anybody to attract attention—that you would have positively detected him among the eight hundred, of whom you say you think you know by sight three-fourths?

A. I don't think I would. I don't think I would have detected one or two or three, but I don't think that eighteen men could have voted at these polls illegally, without being detected. I think it an utter impossibility, as closely watched as they were by both parties.

Q. Why did you make a poll of the votes after the October election?

A. Because some of our Republican friends thought the vote was too large.

Q. Did you do it to accomodate your Republican friends, or did you do it in order to have your canvass tally-sheets to use at the November election?

A. We done it to satisfy ourselves that the election was entirely fair. We did not use them at the November election at all.

Q. Was the purpose of that canvass, then, to satisfy and appease Republican opinion about the frauds?

A. No, sir; I can not say it was. It was to satisfy ourselves. The Republicans made a canvass for themselves.

Q. What part of the ward did you yourself canvass?

A. The canvass we made was not a regular canvass. We did not go from street to street. We took a copy of the poll-book, and hunted them up, and checked the names off as we found them. The Republicans made a regular canvass. They got men to go from house to house. I don't know the names of the men who did the canvassing for the Republicans.

Q. Did you personally canvass or make personal inquiry of the voters of the ward, and compare the result of your work with the tally-sheet of the October election?

A. I most undoubtedly did; all over the precinct.

Q. Did you make personal inquiry at the house, and of the voters? and if so, of about what proportion of the voters, and what part of the precinct?

A. I did of the voters; I did not of the house. I suppose I, myself, canvassed two-thirds of the names on the book.

Q. Do you remember, definitely, how many you did not find?

A. I do not remember how many. I did not find, individually, I suppose, a couple of hundred of them.

Q. What did you do with the written tally or memorandum which you kept of that canvass?

A. After satisfying myself that the vote was fair, I paid no attention to it. I laid it down in my place of business, and don't know what became of it.

Q. Have you made any search, or effort, to get it and bring it for this testimony?

A. I have not, for I did not know I was going to testify until this morning. I got right into the carriage, and came up here when he gave me the subpœna.

Q. Do you think you could find it?

A. I think it would be extremely doubtful, as we have moved from where we were at that time. I think it would be very doubtful.

Reëxamination.

Q. By C. W. Cowan, of counsel for contestee: In answer to Mr. Buchwalter's question in relation to your opinion as to the character of Ephraim Holland, has the fact that he has "squealed," or in otherwise testified as to his claimed rascalities had any effect in prejudicing your mind as to your opinion of the man?

A. No, sir.

Q. Is it not a fact that Ephraim Holland is known in this community as a gambler; and is it not also a fact, generally understood and known, that he is the leader of the gang of roughs that assembled in this city late last summer to participate in the prize fight in Kentucky?

A. I believe it is.

Re-cross-Examination.

Q. By M. L. Buchwalter, of counsel for contestant: Was it not last fall, in September, and not in the summer, when the prize fight took place in the vicinity of Cincinnati?

A. I couldn't answer the question; I know it was discussed all last summer, but when it took place I can't tell.

C. C. Campbell.

And further, Edward Bradley, a witness of lawful age, being by me first sworn, deposes and saith as follows:

Question by counsel for contestee: State your name, age, residence, and occupation.

A. Edward Bradley; thirty years; residence, 63 Baum street; iron molder.

Q. Were you present at the election held October 10, 1876, in Hamilton county, Ohio?

A. Yes, sir.

Q. At what ward and precinct?

A. Fourth Ward, First Precinct, of Cincinnati.

Q. How long have you lived in said precinct?

A. I have lived in that precinct about two years and six months; I was raised in that neighborhood since I was three years old.

Q. How much of said election day was you present at the polls of said precinct, if any?

A. I was there from a quarter to six, or may be before that, till four o'clock in the afternoon; I was there before the polls were opened.

Q. How often have you attended elections in said precinct?

A. That made the third time I voted there; I voted there the October before, last spring and then.

Q. Where did you vote at previous elections?

A. Four or five elections before that I voted at the Sixth Ward, the adjoining precinct.

Q. Are you acquainted with Ephraim Holland?

A. Yes, sir, well; I can't state the number of years; I have known him since I was a child.

Q. State whether or not he was present at the opening of the polls of said precinc at said election?

A. He was not; I did not see him till a half an hour afterwards; the reason I wanted to see him was, we had made arrangements to be there in the morning.

Q. When he first appeared at the polls, as you say, who was with him?

A. Arthur Duffy, and a man I took to be an Englishman, who stayed there all day.

Q. State whether or not at the time the polls opened there were any strangers in the ward waiting at the polls?

A. I did not see any; all the men I saw there had their dinner baskets and cans waiting for the polls to open; they were grumbling because they were not opened before, so they could go to work; there were other men standing there electioneering; they did not have any cans or baskets.

Q. State whether or not if there had been a gang of eighteen strangers at the polls at the time they opened, you would have known it?

A. No, sir, they couldn't have done so; I know pretty much everybody on that hill and in that precinct.

Q. State whether or not any gang of strangers could have voted there without your knowing it?

A. They could not; because the Republicans were challenging there pretty lively; one man, named John Butcher, now a letter carrier, was executive, and stood there all day challenging; there were several others challenging besides him.

Q. Were you one of the challenging committee?

A. I was on the committee; they had no printed list of them, but I was challenging especially a batch of niggers; there were more niggers voted there that day than I ever knew where they came from.

Q. State for what ticket, and whether straight or scratched, Ephraim Holland worked at said election.

A. I seen him take tickets out of his pocket—the Democratic ticket—and lean it up against a wall and scratch them. I couldn't tell whom he scratched; it was in the judges list, but I couldn't tell which of the five he scratched, and then took the tickets and gave them to parties and they voted them. Also seen him holding tickets folded there. He gave them to different parties, who went up and voted them. They were straight Democratic tickets, he said, all right, except one man scratched. There were

also two others had folded tickets there, this Arthur Duffy and another man, I don't know his name; he didn't belong in that ward anyway, and didn't vote there.

Q. State whether or not it was a matter of general knowledge at said polls that day that Ephraim Holland was working for Joseph Cox for one of the judges of the Common Pleas Court?

(Objected to by counsel for contestant.)

A. It was known to a few; it wasn't known to everybody; of course everybody that came there didn't know it, but it was the general impression of parties electioneering there that he was working for Cox.

Q. State whether or not you saw any numbers of men who did not belong in said ward there that day with Ephraim Holland.

A. I seen men come there and talk to him and go away again.

Q. How many men, and did you know them?

A. I knew some of them and some I didn't know. Some parties came there—candidates; Holland was told they wanted to see him, but he said he didn't want to see them without they had money. I told him once myself a man wanted to see him, and he told me that. I couldn't say how many were there at different times. In fact, he was busy all day with fellows electioneering. They came to him for one thing and another. Some of them wanted money. He pulled out a big roll of money once for a bluff and gave it to Arthur Duffy and told him to pay them off; then went over as far as where his mother lives, and Duffy gave it back to him again.

Q. State whether or not these parties who came to see Holland were in numbers or single men.

A. Well, I never seen more than one or two come at a time. Had there been any gangs I'd have seen them.

Q. What, if any thing, did you hear Ephraim Holland say that day about his working for one of the Republican candidates for judge?

A. I think I heard him remark he was working for one of the judges on the Republican ticket.

Q. State who Arthur Duffy and the Englishman you saw with Holland were, and where were they employed?

A. Arthur Duffy was employed at the time at the Empire saloon, and the Englishman I don't know what he did, but he stayed around there.

Q. You say some candidates and others came to see Holland. State, if you know, who they were.

A. Milton Sayler came there, Tom Campbell was around there. I don't positively remember any others. Those are all I knew. I believe Paul Williamson was around there.

Cross-examination.

Q. By M. L. Buchwalter, of counsel for contestant: What is your occupation?

A. I am an iron-molder, but I can't get any thing to do at that now, so I am doing laboring work.

Q. What ticket were you working for on election day?

A. The Democratic ticket.

Q. Did you work the straight ticket or a scratched ticket?

A. I worked the straight ticket.

Q. How many workers were there engaged by the Democratic committeemen or candidates at the polls in your ward on that day?

A. Eph. Holland told me he wanted ten good men, and would give them ten dollars apiece for their day's work. There were other men there; there were men who were working for the interests of the party outside of those that Holland had—several of them.

Q. Were you one of the ten men, Mr. Bradley?

A. I was. I was told the Sunday previous to the election, to be there in the morning, and he would pay me all right. I saw him in the morning, about eight or nine o'clock, and he told me it was all right; but he never paid me anything.

Q. Did you and the other Democratic workers in that precinct work for the straight Democratic ticket?

A. No, sir, they did not; some of them worked for Cox for judge.

Q. Who worked for Cox?

A. Why, there were two or three worked for Cox; one in parricular, a young fellow there named Cain. There were several working there; one party there was working for Morrill—he wanted Morrill for judge.

Q. Was there not some person specially working in your precinct and ward for every candidate on the ticket?

A. No, sir; there wasn't. There were parties working for other parties on the ticket that I don't know anything about. I can't answer for that. Yes, I may state here that my friend Stagman was working for Force mighty hard.

Q, How much of the time did you see Holland about the first precinct of the Fourth Ward polls?

A. Well, he was, I guess, two-thirds of the time there.

Q. Forenoon or afternoon, or both?

A. He would go away a while, and come back again. He was there in the forenoon and afternoon, both.

Q. What name did you see him scratch, at any time, on the Democratic ticket?

A. I couldn't tell what name it was.

Q. Did you ever see him scratch Judson Harmon's name?

A. I can't say that I did.

Q. Did you see Holland prepare his own ballot to vote?

A. Yes, sir. I saw him go and take a ticket, and go over and hold it up against the side of a frame house and scratch it; then put it in his pocket and go over and vote. I couldn't say whether he voted that ticket or not.

Q. Did you see him go over to the frame house and scratch the ticket more than once?

A. Yes, sir; several times.

Q. About how many?

A. I couldn't state the number; I think several times.

Q. Was there less scratching done at last October election, on both sides, than at any election for the last three or five years?

A. I think that there was more scratching done at the October election before this.

Q. Did you see anybody scratch Judson Harmon's name on the Democratic ticket for judge?

A. I can't really say that I did. There were some men, when they came to vote, didn't care who they scratched, and put down their favorite.

Q. Did you see any Republican put the name of Harmon on his ticket for judge?

A. I can't say that I did.

Q. Did you see any Republican strike off the name of Joseph Cox from his ticket?

A. I didn't pay that much attention to the Republican ticket to notice it.

Q. How many votes can you say that you saw Holland scratch one of the five Democratic names for Judge and insert Cox's, which you saw put into the ballot-box?

A. I can't say who he put on the tickets. I am not positive about that, but it was the impression amongst us that he was working for Cox, and he had two men there with folded tickets. I seen him several times scratch tickets and give them to men to vote them.

Q. What men were they?

A. I couldn't tell who they were all; parties I knew, and parties I didn't know personally.

Q. Did you see Mr. Campbell speak to those two parties?

A. No, I did not.

Q. Do you remember definitely? Might it not have been possible for him to speak to those two men and you not see him?

A. Well, yes, he might have spoken to them and me not see him.

Q. What, if any, information have you about Mr. Holland working for or voting for Judge Cox, other than the impression that you got among the boys who were working at the polls?

A. None other, that I know of.

Q. Are you now under an indictment, and out on bail, charged with the murder of Daniel Hart?

A. No, sir.

Q. Are you not under bail now?

A. Yes, sir.

Q. What is the amount of bail?

A. Five hundred dollars.

Q. Were you arrested on that charge?

A. Yes, sir.

Q. Has your final trial been had?

A. No, sir.

Q. When do you expect the trial?

A. I don't expect any at all. The simple fact of the matter is that I am held as a witness against other parties.

Re-examination.

Q. By counsel for contestant: When you say Holland went away and came back again, did he go alone, or how did he go?

(Objected to by counsel for contestant.)

A. He went with Tom Campbell—walked toward Sixth street; he went away once in a hack; sometimes he went away with a party—I don't know whether to take a drink, or what.

Q. Who was the party? What do you mean by a party?

(Objected to by counsel for contestant.)

A. A couple of men, or one man.)

Q. Were they men you knew? men around the polls there?

A. Yes, they were men around the polls he went away with, and some that came there.

Q. Were those who came there any of them in parties of more than one or two?

A. Not that I seen.

Q. How long would he be gone when he went away this way?

A. Sometimes he wonld be gone ten, sometimes fifteen or twenty minutes, sometimes half an hour.

Q. In which direction did he go?

A. Sometimes he would go to Sixth street, and sometimes toward Fifth; he went up to the hospital several times.

Q. You say in answer to a cross-question that the only means of information you have that Holland was working for Joseph Cox for Judge was the general impression at the polls. Did I not understand you to say that you heard Holland say that he was working for Joseph Cox for Judge?

(Objected to by counsel fer contestant.)

A. Well, I understood him to say he was working for one ot the judges on the Republican ticket.

Re-cross Examination.

Q. By M. L. Buckwalter, of counsel for contestant: How many voters are there in the first precinct of the Fourth ward? and how many do you know by name and by sight?

(Objected to.)

A. According to the October tally-sheet, the vote cast was 1,309 or 1,311; I don't know which. I know two-thirds of the voters by sight or to speak to.

Q. Abont one-third only, you think, you wouldn't be able to recognize?

A. I don't think there would be that many. I know every body in the neighborhood. I have lived in the immediate neighborhood twenty-seven years.

Q. You don't mean to say that you know all the voters—1,300 of them?

A. Pretty much all. Of course there are some I don't know who only move in for a few months.

Q. How were your votes received on last October? Quiet voting, or was there some excitement and difficulty?

A. Well, it was quiet, as a general thing.

Q. Wasn't there some difficulty and excitement several times during the election?

A. Well, there was a fuss or two, but it did not amount to much—a little quarreling once in a while that didn't amount to much.

Q. You don't mean to say, do you, that no voters in your precinct voted successively in a crowd together?

A. They voted, one after another, going up the shute. There were always men there on the sides to challenge them, both Democratic and Repnblican. If a stranger appeared they would challenge his vote if some of the party didn't know him.

Q. If a leading worker or Democratic manager at the polls would vouch that any party was all right, to let him vote, did your challengers then challenge him?

A. No, but the Republicans would if he was a stranger. They went so far as to make some men that had voted for twenty years go and get their papers.

Q. Who were your judges, and what were their politics?

A. Dan Duffey, Democratic, George Duffey, Democratic; the Repnblican judge's name I don't know. I've heard it, and forgotten it.

Q. Is that the Dan Duffey to whom Holland, as you say, gave a roll of money for the workers.

A. No, sir; I didn't say that Dan Duffey got any money. It was Arthur Duffey—his brother.

Q. Have you been engaged in any ballot stuffing in that ward?

A. No, sir.

Q. Were you not one of the party who helped to stuff the ballot-box when Jake Gardner was elected alderman

A. No, sir; I voted for John Crouty, and I didn't have any interest in stuffing the box.

EDWARD BRADLEY.

And further, Miles Forbes, a witness of lawful age, being by me first duly sworn, deposes and saith as follows:

Q. By counsel for contestee: What is your name, age, residence, and occupation?

A. Miles Forbes; age, forty-five; residence, Mt. Adams; carriage maker.

Q. State whether or not you were one of the judges at the Presidential election last November in the first precinct of the Fourth ward of Cincinnati.

A. I was.

Q. Who were the other judges?

A. William White and Dan Duffy.

Q. Who were the Clerks?

A. John J. Ryan and Alphonso Harringen.

Q. State whether or not you have seen and read the testimony of Ephraim Holland in this case, relative to said presidential election in your precinct

A. I have.

Q. State whether or not said testimony is true or false.

A. It is false. Eph. Holland means to impute in his testimony that us judges stuffed the ballot-box in November. That is false.

Q. How do you account for the vote in November, and the Democratic majority in November being greater than in October?

A. It is the working of the Democratic club there. After the Republicans claimed there was repeating, they went round and saw every man in the ward, and took them down, and discovered there was at least a hundred voters who didn't vote in October. How these hundred came to vote in November was that, by the intimidation of Eph. Holland and a crowd of some more around there, they were led to believe they would be knocked down unless they would vote their way. This was in every election. I tried to prevail on those people that wasn't so; the fighting that occurred there wasn't on politics, but some old grudges among the boys, and told them I was satisfied that any of them could come down and vote to suit themselves, which they could. Still they wouldn't believe it, and concluded they would never vote so long as that crowd controlled the polls. Therefore, in November election, the club guaranteed to them (Eph. Holland being arrested), that the Mt. Adams judges and challengers would run the election. We provided a carriage for those that were not able, and by those means got them out to vote.

Q. Were these men who you say didn't vote Republicans or Democrats?

A. They were Democrats.

Cross-examination.

Q. By M. L. Buchwalter, counsel for contestant. How many Republican judges were there at the first precinct of the Fourth Ward at the November election?

A. I didn't claim to belong to any party. I went in for a square deal to both sides There wasn't any professed Republican judge. Some of them claimed that I was a Democrat, others that I was a Republican. The Democrats claimed that I was a Republican, and the Republicans that I was a Democrat.

Q. By whom were you selected to act as judge?

A. By the Democratic party.

Q. What were your politics?

A. I was for Tilden last fall.

Q. Were you for the Democratic ticket in October?

A. Yes, sir.

Q. You say these German people, about a hundred, stayed away in October because they were afraid of Holland and his men who ran the ward?

A. Yes, sir.

Q. Were there fights and rows in that ward?

A. What, in October do you mean?

Q. Generally.

A. Yes.

Q. Who have the majority in that precinct, Democrats or Republicans?

A. The Democrats.

Q. Is it a very large majority?

A. About six hundred and fifty majority.

Q. Is not it more than that?

A. Well, it may be.

Q. Did you not add to your answer above "that the majority was larger when Eph. Holland would stuff the ballot-box?"

A. That is what he says himself. I was joking, and didn't intend it as part of my answer.

Re-examination.

Q. By counsel for contestee: Was any body, beside the judges and clerks, present in the room during the receiving and counting of the votes at the Presidential election I have referred to?

A. There was one of the strongest Republicans in the ward, a gentleman by the name of Iliff, came in at 7 o'clock in the morning. He sat till dinner time, and put a substitute in his place while he went to dinner; returned, and then remained until the ballots were all counted, at a quarter before six. Three of each side was admitted, the box was opened before the six and Iliff, and they remained there till the count was perfected.

Re-cross examination.

Q. By counsel for contestant: Please state whether this man Iliff was a young or an old gentleman, and give his age as near as you can.

A. As near as I can guess, I would put him down at fifty-five.

Q. By counsel for contestee: What was the full name of this Iliff?

A. I don't know.

MILES FORBES.

Further taking of depositions was adjourned till Monday, February 26, 1877, at same time and place.

JOHN K. McCANN,
Notary Public Hamilton Co., Ohio.

MONDAY, February 26, 1877.

Deposition resumed this Monday afternoon, February 26, 1876, according to adjournment, at said time and place.

J. H. Cline, a witness of lawful age, being by me first duly sworn, deposes and saith as follows:

(Counsel for contestant objecting to taking testimony as the time has expired, it now being 2 o'clock P. M., and also because there was no adjournment.)

Q. By C. W. Cowan, of counsel for contestee: What is your name, age, residence, and occupation?

A. J. H. Cline; twenty-eight years; residence, 232 East Pearl street. I have been working at the gas office—nothing at present. Fifth ward, second precinct.

Q. Were you present at the State and county election held on the 10th day of October, 1876, in the second precinct of said ward? If so, when did you go to the polls; how long did you remain; what portion of the day, if any, were you absent; and what were you doing at said polls?

A. I was. I went about ten minutes after the polls opened. I was to act as clerk, but got there too late. I staid there from that time till half-past ten o'clock A.M. I left. I followed a couple of coons from there to the Sixth ward polls. They attempted to vote and I followed them up there. I couldn't have been gone half an hour. Then I staid there from about eleven o'clock till about a quarter to one; then went to dinner, and came back about two o'clock. I staid there then until in the neighborhood of five o'clock. I went to the upper precinct of the Fourth ward, and staid there about five minutes, when I came back, and staid at the polls till they closed. I was holding tickets.

Q. How long have you lived in that precinct?

A. I have been living there about twenty-seven years.

Q. Are you well acquainted with the voters of that precinct?

A. With a great many of them.

Q. What do you know, if any thing, of any illegal votes being cast that day at that precinct?

A. I do not. I know of none at all.

Q. What efforts were made on the day of election by both parties to prevent illegal voting?

A. Well, both had their challengers there, and they got their work in. If any thing the Republicans had the best challengers. A man named George Sweeny was on the Republican challenging committee. He is one of the best men that has been on for a number of years. He is a good man for that business, knows most all of them. I wasn't up at the window all the time, but there was a good deal of challenging going on. I wasn't at the window one-third of the time.

Q. Are you acquainted with Ephraim Holland, if so, how long have you known him?

A. I am not intimate with him; I have known him for fifteen years; but I never spoke a dozen words to him at a time in my life.

Q. Did you see him at the polls of that precinct on that day?

A. No, sir.

Q. Were you in a position that he could have been there on that day without your seeing him?

A. I think so, that is while I was present.

Q. Could it have been possible that at any time between the time you got there in morning and when you left at half-past ten to go to the Sixth Ward polls, for Holland to have come there with a gang of strangers and voted them without your knowing it?

A. I think not.

Q. How close were you to the polls between ten minutes after six and half-past ten?

A. Well, not further than a hundred feet or less than twenty, sometimes across the street.

Cross-examination.

Q. By M. L. Buchwalter, of attorneys for contestant: By what party were you seleeted to act as clerk?

A. The Democratic party.

Q. Are you a Democrat in politics?

A. I am.

Q. Were you at the same polls on the November eleetion?

A. I was.

Q. What did you do then?

A. Look on and give a man a ticket when he wanted to vote for Tilden.

Q. Were you doing abont the same work that you did in the Oetober eleetion?

A. No. I was a little more aetive that day in November.

Q. Did you visit any other polls in November?

A. I did. I went to the Sixth Ward polls in the morning, and the Fourth Ward polls in the afternoon, the upper preeinct.

Q. Did you go to either of the other wards, Fourth or other precinct of the Fifth?

A. I went to the first precinet of the Fifth. I believe I was there twice?

Q. May you not have your visits to the other polls in October confused in your memory with your visits in November?

A. Not the least.

Q. Do you remember whether you saw Holland at any of the polls in November?

A. I saw him in the upper precinet of the Fourth ward.

Q. Did you see him in the Fifth ward, or do you remember?

A. I did not see him.

Q. Might he have been there in November, and you have seen him, and not remember about it?

A. If I had seen him there I would have remembered?

Q. Why should you remember if you saw him in October, the eleetion held before charges of illegal voting and election frands were made against Holland in publie, in the newspapers, and on the streets of Cincinnati?

A. Well, for the simple reason that he wasn't there. It is immaterial to me whether he was there or not, but he was not there when I was there.

Q. How long have you known Holland personally and intimately?

A. I have known him personally through working for the gas company—not personally, but through business relations. For instance, his gas would go out and I would fix it. I have known him by sight for fifteen years.

Q. Why were you expecting Holland in the Fifth ward in the Oetober election, or how is it that you remember that you did not see him, in a ward where he does not live nor vote?

A. Well, I never expectéd him at all, and never gave him a thought. He was not there in my presenee; how I know I don't know, bnt I know he was not there when I was there. I know him well enough to have known him.

Q. Why should you remember that Holland was not there any more than any other citizen from any other ward or adjoining ward?

A. Well, he is a conspicuous gentleman, and generally attracts attention, especially at the polls.

Q. Does he unless he purposely attracts attention?

A. I don't know.

Q. Did you look for Holland in any of the other wards in which you went?

A. No.

Q. Had you any engagement to meet him in the Fifth?

A. I did not.

Q. Had you seen him the day before?

A. I did not.

Q. Had you been to the Empire saloon during the day prior to the election?

A. I might have been there; I ain't positive. I might have been there to see them sell pools.

Q. Did you see Holland or talk with him during the ten days prior to the election?

A. I did not.

Q. Did he make any promises to you that he would meet you in the Fifth ward?

A. No.

Q. Did he ever make any promises to you about the election in October?

A. No.

Q. Why, then, when Holland lived in the Fourth ward, should you remember that you saw him in the Fifth ward any more than any other citizen?

A. The same that I should remember Mr. Buchwalter here. I never saw him before, but I think I should remember him.

Q. Would you remember any stranger were you to see him once at your polls?

A. I don't know whether I could or not.

Q. How many wards and precincts did you visit on election day?

A. I was at the Fifth, Sixth, and Fourth Wards, both precincts of the Fifth, both of the Sixth, the upper precinct of the Fourth, and the First precinct.

Q. Why did you go to these precincts in the other wards?

A. I followed two colored men from the Second precinct of the Fifth Ward—they attempted to vote there; from there to the engine-house in the Sixth Ward, on Sycamore street, to prevent them from voting there. I followed them from there to the other precincts of the Sixth Ward, on Main street. I went to the First precinct of the Fourth Ward about five o'clock; had no business there, only curiosity.

Q. Did these colored men vote at any of these precincts?

A. Not while I was after them.

Q. Did you get your breakfast, dinner, and supper that day?

A. I got dinner and supper.

Q. Where?

A. Home.

Q. Where's that?

A. 232 East Pearl street.

Q. How many squares from the polls?

A. It is a little over one square.

Q. Did you see Holland that day?

A. I saw him at the Fourth Ward polls at five o'clock that evening.

Q. Might not Mr. Holland have visited your ward and precinct without your seeing him or knowing any thing about it personally?

A. I think not, unless when I was absent at the Sixth Ward polls, or at dinner.

Q. Might he not also have come to the polls while you were there engaged in your electioneering?

A. I think not.

Q. Was Holland a prominent man in politics in your ward?

A. Never knew him to be.

Q. Is that the precinct where Billy Dowling and Jack Connolly were the Democratic judges?

A. Yes, sir.

Q. What duty were you on, a challenger, or electioneering?

A. I did a little of both, and not much of either.

Q. Did you do any thing towards drumming out the voters in your ward and precinct?

A. I did nothing.

Q. Did you eat breakfast before you went to the polls, or did you take a lunch afterwards?

A. No; I waited till dinner-time.

Q. Didn't you go to take any lunch or drink between breakfast and dinner? if so, about what time?

A. I believe I did take a drink between six and twelve; I don't remember what time.

Q. Was it before you followed the colored men to the several precincts of the Sixth and Fourth Wards?

A. Don't know; don't remember.

Q. How many drinks did you take that forenoon?

A. Don't know.

Q. Where did you take them?

The witness refused to answer.

Q. About how far from the polls did you go to get your drinks?

A. Across the street in that distillery there; I got one drink there.

Q. Did you take as many as twelve drinks that day?

A. No.

Q. Did you drink strong drink, or did you take beer?

A. I don't remember.

Q. Was there much of a crowd of you went when you took your drinks?

A. I don't know; I don't remember.

Q. Why did you go to take a drink? were you tired? did you sit down to rest?

A. I was dry; I was not tired.

JAS. H. CLINE.

And further, Joseph Palmer, a witness of lawful age, being by me first duly sworn, deposes and saith as follows:

(Counsel for contestant objecting to taking testimony as time has expired, it now being 3:30 P.M.)

Q. By C. W. Cowan, of counsel for contestee: What is your name, age, residence, and occupation?

A. Joseph Palmer; age, fifty-three; my occupation is police officer; 185 Livingston street.

Q. Were you on duty on the 10th day of October, 1876?

A. I was.

Q. Did you make any arrests of any persons for illegal voting on that day? if so, whom?

A. The man's name was Johnson; I believe he gave me his name as such.

Q. About what time of the day was it that you arrested him?

A. It was between half-past eleven and one o'clock; I made four arrests between those hours; he didn't get his vote in, but tried to do so, and I arrested him by order of the judge.

Q. Where did you take him when you arrested him?

A. To Oliver street station, Fifth District.

Q. How long did he remain there?

A. He remained there till the forepart of the evening; till he was bailed out; I heard about six o'clock that he was bailed out; he was gone then.

Q. At what precinct and ward was he arrested?

A. At the Twenty-third Ward, at the corner of Freeman and Liberty; they hold their polls at Oberkline's.

Q. Are you acquainted with John L. Murray, who resides at 207 Oliver street, a commission merchant?

A. Not personally; I wouldn't know him by his name if I was to see him.

Q. Do you know one Michael Ryan, who is now confined in the jail of Hamilton county, lately arrested in New York City?

A. No, sir; I don't know him by that name.

Q. Do you know who went on the bail for the release of this man Johnson?

A. When he appeared in court a man by the name of Heis or Heister was called upon to produce his body or forfeit his bail. There was so much confusion in court that I couldn't hear the name well, and couldn't find out, but put it down on my book as paper bail.

Q. Are you sure that it was not later than one o'clock?

A. Yes, sir; I am sure of that.

Cross-examination.

Q. By M. L. Buchwalter, of attorneys for contestant: Are you a day or night policeman?

A. I am a night policeman, but was a day policeman there, and was detailed at those polls.

Q. What time did you go on duty at those polls that morning?

A. At half-past five o'clock—half an hour sooner than usual on account of the election.

Q. What time did you go off duty?

A. Six o'clock in the evening.

Q. Did you take dinner?

A. I did after my partners came back; I got my dinner about two o'clock.

Q. Where did you take your dinner?

A. At my residence, 185 Livingston street.

Q. How close is your home to the polls of the Twenty-third Ward, at Oberkline's, Liberty, and Freeman?

A. About the length of a square and a half.

Q. Where did you go after you went to the station-house with Johnson?

A. I came down Linn street to Liberty, and down that half way to Freeman, when I made an arrest, and after I got him in the station-house I made two more, all hand running, before my partners came back. They were arrested for disorderly conduct. Johnson's was the only one for illegal voting, or attempting illegal voting.

Q. Then where did you go?

A. To the polls, and stayed there till the polls closed.

Q. Are these the only places and streets that you visited from the time you arrested Johnson?

A. I went to my dinner and down the streets going to the polls, and I visited one place across the street to the corner to close them up for selling liquor round the back way.

Q. What had you been doing, and where were you before you took your dinner?

A. Standing at the polls, keeping order. I had no right to go away, only for the point of duty.

Q. Had you made any arrests before you ate your dinner?

A. Yes, sir; I made four arrests before I went to my dinner. My partners went home about half past eleven; they all went, and left me alone; they said it was just one when they got back. I made all those arrests before they came back. Johnson's was the first arrest I made, and then those parties for fussing. I then went to my dinner, and got back before two o'clock; in fact, I was away but a few minutes.

Q. Do you know, by any clock or watch, what time it was when you came back to the polls?

A. Well, when I started from home it was just half past one, and I judged I could go a square and a half in a short time; so I think I got back to the polls before two o'clock.

Q. What makes you remember anything about the time when you came back that day to the polls, rather than any other day?

A. Well, I don't rather, than any other day. I go by time; we go by certain hours and times, and set our time by the station-house time. If we do not get up to time we get a reprimand, or suspended. We watch the time, and are not allowed two hours to take dinner.

Q. What is your usual dinner hour?

A. My usual dinner hour is a quarter to twelve, and I have to get back before one. In cases of duty or arrest we may be called off.

Q. Did you see Johnson, *alias* Ryan, at the polls, attempting to vote?

A. This Johnson, I saw him at the polls attempting to vote; and the judge ordered their arrest. I was standing about six feet from them; they had their tickets in their hands. I grabbed one of them, and grabbed at the other, but couldn't get the other without losing the one I had. I called on the citizens to arrest him, but he ran up to Wade street and got away.

Q. Did the judge take the ticket in his hand before he ordered his arrest?

A. I couldn't state; they were standing in the door, and I couldn't see whether they gave their tickets to the judge or not.

Q. Did you see any ticket in his hand after you had arrested him?

A. No, sir.

Q. Can you say that the judge did, or did not, take the ticket from him?

A. I can not say.

Q. Did you see the bond signed, or the bail given for him at the station-house?

A. I've made the statement. We couldn't take bail at Oliver street, but had to send to the judge or chief. I never saw the bond; it isn't my business to do so. I suppose orders came by telegraph to let him go, as he had bail.

Q. Can you say, certainly, what the name of the bondsman was?

A. No, sir, I could not.

Q. Did you see the bond to read the name?

A. No, sir; it is not my place to look at bonds.

Q. Did you take him to Oliver street station?

A. Yes, sir; and the constable accompanied me. I made the arrest, and called him for his assistance.

Q. How far is Oliver street station from your house, and the polls, at Oberkline's, Twenty-third Ward?

A. Well, it is about three squares from Oliver street station to my house. It is about three squares to Oberkline's; Linn, Baymiller, Dudley, and Freeman, small squares.

Q. What time of night or day was it that you got the telegram from the Central station to release Johnson or Ryan?

A. I could not tell you. I only got word that he was out under bail. I suppose somebody telegraphed, or came down to tell the Lieutenant in charge to let him go.

Q. Why can't you remember what time it was when you heard he was let out under bail?

A. I told you it was about six o'clock.

Q. You did not look at your clock at home did you, when you ate your dinner, on election day, and do you remember that without any assistance?

A. Of course, I do. I left home about half-past one, to go to the polls. I looked at the clock. I don't ask any one to do it for me.

Q. Did you look at your time after you got back to the polls?

A. No, sir.

Q. Then, how do you regulate your time?

A. I regulate my time by the station-house time.

Re-examination.

Q. By C. W. Cowan, of counsel for contestee: Had you any notice before-hand that these parties would be at the polls?

A. Yes, sir; we were warned of it about 9 o'clock. I could not say by whom we were warned.

F. G. PALMER.

And further, John Brown, a witness, of lawful age, being by me first duly sworn, deposes and saith as follows:

(Counsel for contestant objects because deposition was taken after hours named in notice.)

Q. By C. W. Cowan, of counsel for contestant: What is your name, age, residence, and occupation?

A. John Brown; age, 35 years; residence, 114 Oregon street; bowlder-paver; first precinct of the Fourth Ward, Cincinnati.

Q. State where you were on the day of the October election; at what polls; what time did you get there; how long did you remain?

A. I was at the polls of the first precinct, Fourth ward; I got there at five o'clock in the morning, at the latest; I remained until after the polls were closed; I was away about twenty-five minutes between one and two o'clock to get a cup of coffee.

Q. Are you acquainted with Ephraim Holland? and at what time did you see him at the polls?

A. Yes; as near as I can recollect it was about seven o'clock in the morning?

Q. Did you see him when he first came?

A. I think it was the first time I saw him; he may have been there before twenty-

five times, but that was the first time I saw him; but I don't think he could have been there without me seeing him.

Q. What was he doing when you first saw him?

A. He was holding Democratic tickets?

Q. Did you see him distribute the tickets to persons? If so, how were the tickets given out?

A. Yes; he would go to work and take tickets out of his pockets and give them to parties that I supposed he had employed to electioneer.

Q. Were the tickets he took out of his pockets folded or opened out straight?

A. No; he would generally get his hand in his overcoat pockets and take out a handful; they wouldn't be opened out when he took them out; he would generally give them to those parties.

Q. Did you see any of those tickets in the hands of voters afterwards? and if so, were the tickets scratched or not?

A. I seen them in the hands of voters, but not in the hands of those parties he gave them to. Yes, there were from three to four names scratched on the tickets that those parties gave voters.

Q. Did you see Holland during the day hand tickets direct to others; and if so, how did he hand them to them? Did you see them after they were handed to them? Did you see them vote the tickets so handed to them by Holland; and if so, were they scratched or unscratched?

A. I did. He handed them the tickets out of his hand. The ticket that Eph. Holland handed to any body, that is, himself personally, was straight. When I say he was handing them to a voter, it would be a straight ticket, that is, the single ones. The ones he held in his hand himself, the single ticket, was the straight ticket, but he gave to other parties tickets I couldn't see what was in them or how they were scratched. When he was standing at the polls and a man came up there was no scratch on the ticket he would hand them right there. The majority voted the tickets handed them; some of them didn't.

No cross-examination made by M. L. Buchwalter, counsel for contestant.

JOHN BROWN.

The State of Ohio, Hamilton County, ss:

I, John McCann, a notary public in and for the county and State above named, duly commissioned and qualified, do hereby certify that the above named Adolphus Fay, John Kelley, Michael O'Shaughnessy, Dennis Shean, Bartley O'Connor, John Hagerty, Chas. C. Campbell, Edward Bradley, Miles Forbes, J. H. Cline, Joseph Palmer, and John Brown, by me first severally sworn to testify the truth, the whole truth, and nothing but the truth, and that the depositions by them subscribed as above set forth, were reduced to writing by me, who is not interested in the suit, in my presence and in the presence of the witnesses, respectively, and were subscribed by the said witnesses in my presence, and were taken at the time and place in the annexed notice specified, and were continued from day to day, as above set forth; that I am not counsel, attorney, or relative of either party, or otherwise interested in the event of this suit.

In testimony whereof, I have hereunto set my hand and official seal, this 26th day of February, A.D. 1877.

[SEAL.] JOHN K. MCCANN.

F. W. Steigelman, of lawful age, being duly sworn, testified as follows:

Q. State your name, age, and residence.

A. F. W. Stagerman; age, 25; Mount Adams.

Q. Are you well acquainted with the voters in that ward?

A. Yes, sir; I know almost every voter in the ward.

Q. State whether or not you were present all day on the 10th day of October, when the State and county election was held.

A. Well, I lived at that time in the second precinct; moved down there temporarily, and was in all day long at the first precinct, from seven o'clock to six o'clock in the evening.

Q. State whether or not you made a poll of a portion of the said precinct after the election; if so, who assisted you in polling the said precinct?

A. Well, I had the whole business in my hands, and asked William Taylor and Geo. Schatzman and W. H. Hallam to assist me.

Q. Who did assist you most?

A. They all assisted me.

Q. What portion of the territory did you do yourself?

A. Mount Adams—all of Mount Adams.

Q. State whether or not you got all the names of all the male residents in the part you canvasred, who were over the age of twenty-one?

A. I think every name over twenty-one whether he was a voter or not. There were a great many of them that were not citizens, but I took them notwithstanding.

Q. State fully and accurately all that you did while making the canvass; in other words, state fully how you made it.

A. Well, I superintended the whole work, and laid it out in districts for these men to take in parts. I made four divisions of the precinct. Of course, I selected Mount Adams and gave these other three other territories.

Q. Tell me how you made the canvass for Mount Adams?

A. I went from one house to another.

Q. Is it not quite possible that you might have missed a number of names?

A. No, sir; it is impossible for me to miss one; I got every name that was on Mt. Adams, from twenty-one on.

Q. When the work was completed, what number of names, if any, was on the tally-list made of the voters on the 10th day of October that you could not find in the ward?

A. Well, now after we had made this canvass, we took all the names and put them in alphabetical order, and compared them with the poll-books; but Mr. Schatzman and Mr. Hallam and Mr. Taylor compared them with the poll-books, and they found two hundred and seventy-seven names on the poll-book that were not on the list.

Q. You say you were present at the first precinct of the Fourth Ward all day on the day of election?

A. Yes, sir; well, I might have went away five or ten minutes to come right back again, though.

Q. State whether or not you observed numbers of persons voting whom you did not recognize as residents of that ward.

A. Yes, sir, a great many; I challenged a great many among them; Duke Fleming and Frank Westjohn were arrested, and one man of the name of John Conway; had him indicted; I followed John Conway down from the Fourth Ward, the first precinct,

down to the Ninth Ward; I arrested him there, with the assistance of a policeman; he is now indicted.

Q. State whether or not you saw Eph. Holland at the said precinct on that day.

A. Yes, sir, I did.

Q. What ticket, if any, was Eph. Holland electioneering and working for on that day?

A. He was electioneering for the straight Democratic ticket.

Q. Did you observe any name whatever written upon the tickets that Mr. Holland gave out?

A. No, sir.

Q. They were printed, were they?

A. Yes, sir; they were all printed. A gentleman—but I decline to state who the gentleman is—met him there when he was electioneering for Cox, and I seen him tear up the tickets after the gentlemen had left, and say, "By God, he must sink with the rest of them." That was the remark he made.

Q. State whether or not you are acquainted with one Bradley, who testified to-day for the contestee before Mr. McCann, a notary public, at the office of Cowan & Durell.

A. Yes, sir; I am personally acquainted with him.

Q. State whether or not you saw him at the polls of the first precinct of the Fourth ward on election day.

A. Well, I seen him there; yes, sir.

Q. Much of the time?

A. No, sir.

Q. Who is Bradley? What is he?

A. Well, I don't know what he does. I never seen him work. Don't believe he has done work for years, that I know of.

Q. State whether or not you are acquainted, in the neighborhood where the said Bradley lives, with his reputation for truth.

A. Yes, sir.

Q. Is it good or bad?

A. Bad.

Q. Now you may state, would you believe him or not, under oath?

A. No, sir.

Q. State whether or not the said Bradley is indicted at this time for any offense; if so, what is it?

(Question objected to.)

A. He is indicted for the murder—implicated in the murder of John Hart, at Mt. Adams.

Q. What other offenses has he been arrested for, if you know?

(Question objected to.)

A. Disorderly conduct and drunkenness. I guess that is about all.

Cross-examination.

Q. What time do you say you went to the polls of the first precinct of the Fourth Ward?

A. Seven o'clock. Perhaps it might have been sooner—between half-past six and seven.

Q. Did you not say in your examination in chief that you went there at six and remained there until seven?

A. From seven in the morning until the close in the evening.

Q. What part did you take in the election there?

A. Well, I was electioneering for the straight Republican ticket?

Q. What else were you doing?

A. Well, I challenged, and done every thing to make myself useful; kept repeaters from voting, and I think I kept about fifty or a hundred from voting.

Q. Were you close to the polls where the judges received the tickets?

A. Yes, I was right by the window mostly all the time.

Q. Majority of the judges were Republican, were they not?

A. No, sir; they were Democrats. We had one Republican judge and one Republican clerk.

Q. Who were the judges?

A. The judges were Duffy—I think Jones—and two Duffys—George Duffy, Councilman Duffy, and Mr. Jones.

Q. You are positive they were the judges at the October election?

A. Yes, sir; positive. At the October election.

Q. You say that you saw Ep. Holland there during the day?

A. Yes, sir.

Q. When did you first see him?

A. As soon as I arrived.

Q. What was he doing when you arrived?

A. Electioneering for the Democratic ticket. I was standing at the side of him.

Q. Did he have tickets in his hands?

A. Yes, sir.

Q. You saw the tickets?

A. Yes, sir.

Q. You are positive there was no scratching on them?

A. Yes, sir.

Q. You say that you heard a man have a conversation with him, whose name you decline to give, stating that he was electioneering for Judge Cox, and that he tore up the tickets in his hands as soon as the man got out of sight, and said that Cox must be swamped with the rest?

A. Yes, sir.

Q. Where was Holland standing at the time?

A. He was out in the middle of the street, between the polls, on Lock street, between Fifth and Sixth, on the west side.

Q. About what time in the day was that?

A. About eight o'clock. That same gentleman came there again; came several times.

Q. Would it not have been about ten o'clock when this conversation took place?

A. Well, no; it can not.

Q. How are you so positive it was eight o'clock?

A. Because I got a watch in my pocket—always carry a watch.

Q. Did you take out your watch at that particular time?

A. Yes, sir.

Q. Did you take it out for the purpose of ascertaining the time that this conversation took place?

A. Well, perhaps I did; I can not remember distinctly.

Q. Why was it that you were so particular to take the time when this conversation took place?

A. Because the gentleman was a personal friend of mine, and I was not going to see him deceived by Mr. Holland that way. I told the gentleman afterwards—the next day after the election—if he would go by the votes he would see Cox didn't get any scratches there at all in the first precinct; what I mean by that, didn't get many votes through the Democratic ticket. The vote was almost straight.

Q. Is it not a fact that Judge Cox's vote was at least twenty over the other Republican judges in that precinct?

A. Well, it might have been, for he has got a great number of personal friends up there.

Q. You say this friend come back afterwards?

A. Yes, sir.

Q. How often?

A. Well, three or four times.

Q. Forenoon?

A. Well, through the day.

Q. Give the name of the man.

A. I decline to do that.

Q. I insist.

A. I won't answer that question.

Q. I again request you to give me his name.

A. I decline to answer. Well, it was Mr. Campbell.

Q. You say, then, he immediately tore up the tickets?

A. Yes, sir.

Q. Did he get another lot of tickets?

A. No, sir, he always had the straight Democratic ticket—that's the only ticket I seen him handle.

Q. Did he get another lot of tickets?

A. Well, he had his lot—never changed his lot in his hands.

Q. What tickets was it he tore up, then?

A. I suppose the ones Mr. Campbell gave him.

Q. Where did he have them when he tore them up?

A. In his hands, in one of his hands.

Q. Can you give the names of these two hundred and seventy-seven men?

A. No, sir.

Q. Names of any of them?

A. I can not remember them; no, sir. But at the time I did know a great many of them. I was surprised when I was called as a witness here, and had forgot all about them.

Q. Have you seen this list attached to the deposition of Mr. Schatzman?

A. It was all done in my house. Seen it, but never examined it very carefully.

Q. You say that this list was made up at your house, all that is on that paper. Have you compared this list with the original papers?

A. Yes, sir. Mr. Schatzman and Mr. Hallam compared them, part in my presence in one of the rooms at my house.

Q. Did you look over it afterwards?

A. They compared it.

Q. Have you seen it before to-day?

A. I have seen it at my house.

Q. Can you explain what is the "error list" here?

A. No, sir; I could not.

Q. Was a complete list of the two hundred and seventy-seven name made by you?
A. No, sir.
Q. Made by them?
A. That I do not know.
Q. How, then, do you know there were two hundred and seventy-seven names?
A. Well, I remember that.
Q. Well, how do you come to remember it?
A. I knew that at the time.
Q. How did you know it when you didn't compare and make any list?
A. Because I was there, right there in the room; asked them how many there were they said two hundred and seventy-seven.
Q. Then your testimony is not your own, but what they told you?
A. What I saw at my house?
Q. You saw there was two hundred and seventy-seven?
A. They said there was two hundred and seventy-seven.
Q. You only know from what they told you?
A. Only from what they told me.
Q. Then your testimony in regard to the two hundred and seventy-seven was hearsay
A. I could not say but it was.
Q. Where is the balance of the list? and how comes it there is but one of them there?
A. As I understand it, the list was to be given Amor Smith. They went out to my house, and were in charge of Mr. M. H. Hallam and Mr. Schatzman. I understand they gave them to Mr. Amor Smith.

Re-direct examination.

Q You speak of me having been at the ward two or three times, did you see me in that ward more than once on that day?
A. Yes, I have seen you there more than once.
Q. How often did you see me then?
A. I can't remember, Tom.
Q. Give us your best memory on that.
A. I think I saw you twice.
Q. Now then, sir, do you think you saw me any more than twice?
A. That I could not answer.
Q. Did you not see me speak to Mr. Holland but once on that day?
A. I think I did.
Q. Was what I said in your presence so that you could hear what it was?
A. No, sir.
Q. Then how can you tell what I did say?
A. I didn't say what you said.
Q. Do you know whether I asked him to vote for any person or not?
A. I didn't say that.
Q. Did Mr. Holland say that I asked him to vote for Cox?
A. No, sir.
Q. Did I ever tell you that I asked him to vote for Cox?
A. No, sir.
Q. Then as a matter of fact you know nothing about whether I requested him to vote for Cox or not?
No, sir.

F. W. STEIGELMAN.

I certify that the foregoing depositions of F. W. Steigelman were then and there reduced to writing by me, in the presence of deponents, in short-hand, by consent of parties to said cause, who were respectively represented by counsel at the taking of said depositions; that it was there and then agreed to in my presence by said counsel, that my transcript of said short-hand notes might be read in evidence at the trial of said cause, with the same force and effect, to all intents and purposes, as if said transcript had been signed by said deponent at the time of the taking of said depositions.

I further certify that I am not a counsel or attorney for either parties to said cause, and that I am in no way interested in the event thereof.

In testimony whereof I have hereunto set my hand and notarial seal this twenty-sixth day of February, 1877.

E. H. RYDAL,
Notary Public Hamilton Co., Ohio.

Testimony of William H. Hallam.

Q. What is your name? You may state to the Senate.
A. My name is William H. Hallam.
Q. What is your age?
A. I am thirty four years of age.
Q. Where is your place of residence?
A. I reside at Franklin, Warren county, Ohio, about sixteen miles south of Dayton.
Q. Where did you live at the time of the October election, 1876?
A. I was then living at No. 275 East Third street, in the Fourth Ward, Cincinnati.
Q. You may state what part, if any, you took in the election held on the 10th of October.

A. I took quite an active part; was at the polls in the first precinct of the Fourth Ward from about half-past six or seven o'clock in the morning until the polls closed at night.

Q. Mr. Hallam, you may state what your occupation is.
A. I was engaged in the Post-office in Cincinnati, but am in no business at all now.
Q. When did you leave the Post-office department?
A. I left the Post-office on the 1st day of January, 1877.
Q. From what you saw, what can you say of the election in that precinct?
A. As far as the election is concerned at that precinct, it was simply a farce. There was a crowd around there who carried the election about to suit themselves.
Q. You may state whether or not you are acquainted with the voters in that ward.
A. I am pretty generally acquainted with the voters and residents of that ward; I can't say I know every one, but I know nearly all of them.
Q. State whether or not, on the day or days following the election, you made a canvass of the voters of that ward in search or for the purpose of ascertaining if any persons had voted there who were not residents of that ward.
A. I did.
Q. How did you proceed with that labor, who assisted you, and what was the rusult?
A. Mr. William Taylor, F. W. Steigelman, George Schatzman, and myself.
Q. State what was your method in conducting this work.
A. We first made a plat of the precinct, and divided the territory among us. We found out the names of the male residents for the purpose of comparing them with the poll-book. I think we got the names of all the residents.
Q. Did you mention the purpose for which you wished to obtain these names?

A. We gave them to understand that we were getting up a Post-office Directory. There are a good many foreigners in that ward, and they have had considerable trouble with their mail matter, consequently they were very ready to give us any information which they could concerning the names of the persons residing there. We took each house separately, and ascertained whether there were more than one family living in each house. We then proceeded to get from them the names of all the male residents. In some cases it was impossible to see the persons individually, and we had to inquire from residents of the same house or neighbors.

Q. How many male residents did you find in the ward?

A. As near as I can recollect, there were 1360 to 1400 males in the ward. Some were voters and some were not, some were minors and some were not naturalized citizens, and some had not resided there the necessary length of time.

Q. Why did you take the names of those whom you knew not to be voters?

A. We took them down so as not to excite suspicion, and that they might believe we were taking a Post-office Directory.

Q. When you got all of the names, what did you do with them?

A. We met in a room and copied all the names in alphabetical order, and then procured a copy of the poll-book for that ward, which we compared with the list we had taken.

(Document shown to witness.)

Q. Do you recognize the document?

A. I do; it was written by Mr. Schatzman.

Q. Is that the man you referred to before?

A. Yes, sir.

Q. What was the result of the comparison between your list and the tally-sheets?

A. I found on the tally list of the fourth precinct about 277 names that we could not find when we went around to take the names.

Q. Did all of the 1360 persons whose names you took claim to be voters of that ward?

A. No, sir; they did not.

Q. About what number of them were not voters in the Fourth Ward?

A. As near as we could get at it, we judged there were about 150 who were not voters.

Q. That includes the names of minors I believe you have already stated?

A. Yes, sir, it does; it includes those that were not of age; some that were absent at the time, and some who were not naturalized citizens on the tenth of October.

Q. Have you any means of knowing that any of the persons whose names you have on your list were absent from the city at the time of the election?

A. Yes, sir; some of them were at work on the Cincinnati Railway.

Q. Tell us any facts connected with the election, such as the voting of persons who were not residents of the ward. Did you see any persons arrested or any illegal votes cast?

A. I saw quite a number of illegal votes cast. Mr. Westjohn was arrested as an illegal voter; is now under arrest and waiting sentence.

Q. Who else?

A. One Paul Heaton.

Q. Who else did you see there?

A. I saw Eph Holland there, and he appeared to be a general manager of the Democratic side—procuring votes.

Q. Do you know Charley Young?

A. I do not, but I recognize his name as being on the list of illegal voters that I prepared.

Q. How many times during the day did you see parties of men come to that precinct and vote who were not residents of the ward?

A. Some six or eight during the day that I suspected.

Q. Why did you not challenge them?

A. We did challenge them, and attempted to have them sworn in, but Eph Holland, or some of his gang, would not allow it. "Let that vote go in; I know that man; he is all right." We would demand that he should be sworn, but they would pay no attention to it, and the votes would be received, and in that way one gang of twelve, another of six, and another of eight and nine, that I know of, voted.

Q. Do you know Daniel?

A. I know him by sight.

Q. What is his occupation?

A. I think he was one of the bar-keepers at the "Empire House." The "Empire" is a kind of drinking saloon.

Q. After making an examination of the ward, state whether or not you found any person who did not vote on the tenth of October.

A. Yes, sir; I found quite a number myself; so did my assistants.

Q. What statements, if any, did they make as to the reason of their not voting?

(Objected to, and question withdrawn.)

Q. How many of those persons did you meet, as stated, that had not voted?

A. I myself found in the neighborhood of twenty.

(Answer Objected to.)

Q. How many such were there in your district?

(Objected to and withdrawn.)

Q. You say Mr. Schatzman was one of the parties who assisted you in the canvass?

A. Yes, sir.

Q. And the number of persons was 277 for whom you could find no corresponding names in your canvass?

A. Yes, sir.

Q. Might it not be that the names were spelled differently on the poll-books and on your list, and that for that reason they failed to correspond?

A. No, sir; in preparing the list we always gave the tally-sheet the benefit of the doubt when the names were at all similar; that is, we counted it as a legal vote.

Q. For instance, if you found a man's name spelled S-m-y-t-h-e, and found one spelled S-m-i-t-h, did you call that a legal vote?

A. Yes, sir; we always gave the tally-sheet the benefit of the doubt, and counted the vote as legal.

Q. State to the Senate whether you were governed by the sound of the names.

(Objected to, and question withdrawn.)

Q. Well, you may state in what manner you were governed in that matter.

A. If we found a name as being any where near it whatever, we gave the tally-sheet the benefit of the doubt and counted it as a legal vote.

Q. And after doing all that, you say there was a discrepancy of 277?

A. Yes, sir.

Cross-examination.

Q. What part of this work of canvassing the Fourth ward did you perform, if you please?

A. I canvassed Observatory street, Oregon street, Kilgour street, and ———

Q. Well, what part, proportionately, of the district did you canvass individually? Was it one-half, one-third, or one-fourth? State as near as you can.

A. I took something over three hundred names myself.

Q. You say you took three hundred?

A. Well, that is as near as I can say. That is very nearly accurate.

Q. Beyond those three hundred names I apprehend you are unable to state?

A. I have the statement of the others for the balance.

Q. You may state to the Senate, if you will, what streets you canvassed.

A. I canvassed Kilgour street, Observatory street, Bond street, a portion of Third street, Hill street, a portion of Eggleston avenue, a small portion of Eighth street, and a little street that we call Duplaine—I believe it is a continuation of Long street.

Q. Of the 1,390 names, you took about three or four hundred?

A. Yes, sir.

Q. How many days do you say it was after the election that you commenced the canvass?

A. I think we commenced the second day after the election.

Q. After the October election?

A. Yes, sir.

Q. What portion of Kilgour street did you canvass?

A. I took the upper part of Kilgour street, from Third to Fifth.

Q. I wish you would look and see if it is the same part included in this answer.

(Handing document to witness.)

A. Yes, sir; it is.

Q. Did you not go over the same district that the others did?

A. I think not.

Q. Did you compare notes to ascertain whether you did or not?

A. We took a plat of the city and found out the boundaries of the first precinct, and then divided it into sections, and each took certain territory.

Q. Your impression is that you didn't canvass the same territory?

A. Yes, sir.

Q. What time did you first see Eph. Holland?

A. I first saw him in the morning, at about seven o'clock.

Q. At what time did you go to the polls?

A. I went at about half-past six or seven o'clock

Q. Did you see Eph. Holland at the polls when you arrived there?

A. I think he was at the polls when I got there.

Q. How long did you remain there?

A. I remained until about twelve o'clock; was gone to dinner about half an hour, and then returned.

Q. What portion of the forenoon was Eph. Holland there?

A. He was there all the forenoon, with the exception of about one hour, probably.

Q. What time did he leave?

A. I paid no attention to the time.

Q. Well, state as near as you can.

A. It might possibly have been in the neighborhood of ten or eleven o'clock.

Q. That is your impression?

A. Yes, sir.

Q. You say he was a sort of master of ceremonies. What did he do?

A. He stood around the polls, and when any of these repeaters would come up he would slap them on the shoulder and say, "Here comes a solid Democrat, let him vote."

Q. A solid muldoon?

A. Yes; a solid muldoon. Then he would ask Mr. Duffy to pass that bottle of whisky out of the window to him; and he would do it.

Q. Who was this man Duffy?

A. He was one of the Democratic judges of election.

Q. What part did Holland take in passing out the tickets?

A. He didn't pay special attention to that; once in awhile he would pass out a ticket when he came up to a man.

Q. Did he provide the squads with tickets?

A. Most all of them had tickets; he would say, "Let's see your ticket. That's all right."

Q. Did he seem to have an understanding with these squads that came up?

A. He seemed to know that they were all right—sound.

Q. What time did you return from dinner?

A. I returned at about half-past twelve, or possibly one o'clock.

Q. What part of the afternoon was Eph. Holland there?

A. He left twice in the afternoon, and was gone from one-half hour to an hour each time.

Q. Did he remain until the polls closed?

A. Yes, sir.

Q. You say there were 159 extra names; what do mean by 159 extra?

A. I said about 150 that were not voters in the ward.

Q. How did you determine that they were not voters in the ward?

A. In giving their names some stated they were not of age, some were not citizens, some declined to go on account of the crowd being too rough.

Q. You said there was one gang of twelve; what time did they reach the polls where you were in the Fourth Ward?

A. I can not give the exact time; it was early in the forenoon.

Q. Well, state as near as you can.

A. Possibly about eight o'clock.

Q. If you are uncertain as to the time, what would you say—was it earlier or later than eight o'clock?

A. I should say earlier.

Q. How soon after that did the squad of eight follow?

A. It might have been three-quarters of an hour.

Q. How about the squad of six or seven? Did they come earlier or later?

A. I am under the impression that it was in the afternoon.

Q. About what time, if you please?

A. About two o'clock, I should think.

Q. About two o'clock?

A. Yes, sir; that is my opinion.

Q. From what direction did the squad of twelve come?

A. They came up Fifth street.

Q. Did the other squads come from the same direction?

A. One of the squads came out Sixth street.

Q. Who led the squad of twelve?

A. I do not know personally.

Q. Do you know who led the other squads?

A. No, sir.

Q. Did you recognize any body in either of the squads?

A. I think in one of the squads, I can not say whether it was the squad of twelve or eight, I recognized Paul Wheaton.

Q. Where had you seen him before?

A. I had not seen him before, but since that time I have seen him and learned his name, and recognized him as belonging to one of the squads.

Q. Did he vote there?

A. Yes, sir.

Q. Were their votes challenged?

A. There were several of them challenged; two of the squad of twelve were challenged.

Q. Had your attention been called to the fact that the men were coming?

A. Yes. sir; and we challenged the men in the first two squads, but after that found that it was of no use.

Q. You had a police force there?

A. Yes, sir.

Q. Why didn't you have them arrested?

A. I requested to have them arrest Eph. Holland, but they said if we commenced making arrests we would have the bloodiest fight ever known in the Fourth Ward?

Q. Why didn't you send for additional force?

A. We did send a request to headquarters for relief, but no relief came.

Q. To whom did you send word?

A. To Amos Smith; can not remember whether any response came back or not.

Q. Who took the word to Mr. Smith?

A. I do not know.

Q. How do you know word was sent?

A. I was told so by one of the challengers; they were advised at headquarters that we thought repeating was going on.

Q. How do you know these men were not voters in that ward? Do you pretend to know every voter in the ward?

A. I asked some of the old citizens if they recognized any of these men who came with the gangs, and if they belonged to the ward, and they recognized none of them.

Q. How large is that ward—that precinct?

A. I cannot give you the boundaries.

Q. Give them as near as you can, if you please.

A. The southern boundary is the north side of Third street, commencing on Eggleston avenue, and running up the river to Hill street.

Q. How many blocks?

A. Let me see; I think it is about six blocks.

Q. What is the width of the precinct?

A. The width is from Third street to the new avenue—Gilbert avenue, I think.

Q. It is a neighborhood largely inhabited by the laboring classes, is it not?

A. Yes, sir.

Q. Then your only information which induced you to believe that these men had no right to vote was obtained from old citizens whom you supposed ought to know?

Q. You say you do not know Charlie Young?

A. I do not.

Q. Was there any body there in consultation with Holland during the day?

A. I saw the Hon. Milton Sayler in consultation with him several times during the day.

Q. Did you call Mr. Sayler's attention to the fact that you thought repeating was going on there?

A. I did not.

Q. Who else did you see there?

A. I saw Mr. L. C. Wier there.

Q. Did you call his attention to the fact?

A. I did.

Q. Did you say you saw Mr. Wier in consultation with Eph. Holland?

A. I did not.

Q. Well, did you see any other person in consultation with Holland?

A. I saw Mr. Campbell.

Q. What, not our friend Mr. T. C. Campbell?

A. Yes, sir; he spoke with him for a few minutes. Mr. Campbell and Mr. Wier were exercising a general supervision over thepolls.

Q. By Lieut. Gov. Young: At that poll that morning was there any trouble about the gangway?

A. Not that I know of. The gangway was up when I got there.

Q. By Mr. Butterworth: What was the number of names that you polled in that ward, including minors and all?

A. Between 1,360 and 1,390.

Q. How many did you ascertain were not voters of this number?

A. We judged about one hundred and fifty.

Q. By Senator Andrews: From your own personal knowledge, do you know any thing about the polling of any except the three hundred and fifty or four hundred that you say you polled yourself?

A. That is all I know personally until it came to comparings.

Q. By Mr. Butterworth: That is the first precinct of the Fourth Ward?

A. It is.

Q. By Senator Owens: Do I understand that one hundred and fifty told you they were not voters?

A. They told me and the others that they were not voters.

Q. How many stated to you that they were not voters?

A. About fifty.

Q. By Mr. Butterworth: What do you mean by this corrected list?

A. My impression now is that this ought not to have been attached to this list.

Q. By Senator Schenck: How many judges were there at this precinct?

A. I think there two Democratic judges and one Republican. I know of two, and am under the impression there were three.

Q. If there were three, how many were Democratic and how many Republicans?

A. If there were three, two were Democrats and one Republican.

Q. By Mr. Butterworth: Were you at the second precinct doing any work?

A. I did no work there. That is my voting precinct, and I voted there early in the morning.

Q. Did the same order obtain in the second precinct

A. No, sir.

Q. Was all the repeating that you know of done in the First Ward?

A. I heard there was repeating at the Second.

Q. Why did you go to the first precinct to work?

A. Simply because the Republicans were in a minority there and did not have men to work.

Q. Better field for labor?

A. Yes, sir.

COMMUNICATION

FROM

HON. CHARLES C. WALCUTT,

President of the Board of Directors of the Ohio Penitentiary.

IN REFERENCE TO SAID PRISON.

OHIO PENITENTIARY,
COLUMBUS, MARCH 26, 1877.

To His Excellency, THOS. L. YOUNG, *Governor of Ohio:*

DEAR SIR—I am directed by the Board of Directors to respectfully call your attention to the very large and increasing number of unemployed convicts now confined in this Institution. When spring opens, we can, of course, use a large number of them on the new buildings in process of erection, but unless we are enabled to contract the labor, we will necessarily have a large number idle, and on expense to the State. We are required under the law to keep the convicts employed. They come to the Institution under a sentence to "hard labor," and, while it is thus made our duty, the best interests of the State, and of humanity to the

prisoners, demand that nothing should be left undone to keep all employed.

We find it impossible, after repeated efforts, to let the labor of the convicts at the price now fixed by law, viz: 70 cents per day. We are not only not able to let the surplus labor, but contractors do not renew their contracts as they expire. Nearly one-half the number now on contract will be off before the first day of August next. Up to this time our contractors have managed, though under great difficulties, to keep going. They can not, like manufacturers outside, when times become depressed as they are, put out their fires and quit work, but are compelled under their contracts to keep their men employed. This they have done, and, as a result, not being able to find a sale for their goods, they have accumulated in large quantities, which they must necessarily carry at a great expense and probable loss. We are fully satisfied that under existing circumstances we will not be able to let any more labor at the price fixed by law, and that to a great extent, as contracts expire, a large number of men now on contract will be thrown upon our hands; and this Institution, instead of being one yielding a revenue, will become an expense to the State.

The minimum price of labor was fixed by law originally, April 1, 1867, when everything was at war prices—labor as well as supplies—and when even a larger price could be paid for the labor than that fixed by law. But now, with business depressed, money scarce, and as everything purchased for the Institution is comparatively cheap, it is different, and, believing it best, we would respectfully recommend a modification of the law fixing the price of labor, and leave the matter to the discretion of the Board, either by its absolute repeal, or, if that is not deemed best, then to leave its operation suspended by a joint resolution, say until August 1, 1878, and in either event the Directors should, probably, be empowered to change the price per day on existing contracts, to conform to whatever modification is made. This would seem to be just.

I will also state for your information, that it has been found necessary to adopt one or the other of the above suggested plans in several States, in order to keep this kind of labor employed.

Hoping you will give this subject your early and earnest consideration,

I am, sir, very respectfully,

CHAS. C. WALCUTT,
President Board Directors.

SECOND REPORT OF THE COMMISSION

TO

REVISE AND CONSOLIDATE THE STATUTES.

ROOMS OF THE COMMISSION TO REVISE AND CONSOLIDATE THE STATUTES,

COLUMBUS, OHIO, *January* 2, 1877.

To the General Assembly of the State of Ohio:

The Commissioners appointed under the act of March 27, 1875, "to provide for the revision and consolidation of the statute laws of Ohio," 72 v. 87, make their second report as follows:

At the time of our former report, (January 11, 1876,) the collation of the statutes had been completed, and progress was being made in the work of revision and consolidation. That work has been pursued to the present time, in the manner indicated in this report.

In our former report we stated that, "to carry out the evident intention of the Legislature, all general laws must be reduced to one statute, properly divided into titles, chapters and sections." The only constitutional objections that have been suggested to this course, are based on a provision in Art. 2, § 16. This provision, it is claimed, contains two limitations on the legislative power: 1. "No bill shall contain more than one subject." 2. The subject of the bill "shall be clearly expressed

in its title." But, 1. Both clauses are directory. 2. The whole act is devoted to one subject, the revision and consideration of the statutes, and hence it is not in conflict with the first clause; and the title, "An Act to revise and consolidate the general statutes of Ohio," is a literal compliance with the second clause. 3. The table of contents of titles, chapters and sections, which will be placed at the head of the revision when completed, may well be regarded in connection with that title, and as forming part of it; so that the substantial compliance with the requirement as to the title, will be as complete as it has been in any bill ever presented to the General Assembly. For these and other reasons, we are led to the conclusion that the constitutional objections are invalid.

As it is, in our judgment, of great importance that all the titles should be incorporated into one act, we have directed our labors to that end. But in obedience to the joint resolution adopted April 11, 1876, 73 v. 339, we will forward, as part of this repoat, that portion of the work which has been completed, the same being more particularly specified in another paragraph; and there can be no objection to the introduction, in either branch of the General Assembly, of bills containing any of the titles now completed, and their passage into laws. Such bills can be framed, in most cases, almost without change, from the matter which is to accompany this report. And the final work of revision would be to that extent abridged; for, while the new acts would take their appropriate places as titles in the final report, they would require but little further attention from the Legislature or the Commission. In some instances, however, this difficulty would be presented, that, in order to save space, words and even sections have been omitted from a title, the matter being provided for by a general provision in some other title.

In our first report, we alluded to the arrangement of the statutory provisions, and stated that the subject would receive further consideration. The editions by the late Chief Justice Chase, Prof. M. E. Curwen, and J. R. Sayler, Esq., of the statutes-at-large, in the order of the original publication, are of such importance that the continued republication of the laws in that form, will be indispensable. Even a collection of the laws in force in that form was not without advantages; yet in daily practice it was found so much more important to have all the acts in force relating to a subject collected under some proper head, that the public did not fail to decide in favor of the latter plan. But the compilations made on the latter plan, which is called alphabetic, have not derived their popularity merely or chiefly from the arrangement of the heads. Indeed, neither of them was scrictly an alphabetic arrangement of the laws. The fact that all the provisions were placed under their appropriate heads, as far as it was possible to do so, and skillfully arranged and ably annotated, gave to the publications of Judge Swan and his associates all their real value.

An examination of the modern revisions, and reflection upon the subject, have led us all to the conclusion that nothing will be lost, but much gained, by adopting a natural or logical order, instead of the alphabetic arrangement. A table preceding the first page of the revision, will indicate the place of each head and its contents. Persons in the daily use

of the revision, by frequently referring to the table, will soon turn as readily to any head, without looking at the index, as they now refer to the titles in Swan & Critchfield's and Swan & Sayler's Statutes. Besides, an index is to be prepared for the revision, so thorough that any statutory provision can be readily found.

We have divided the work into four parts: Political, Civil, Remedial and Penal. The first of these parts, (Political), following generally the arrangement in the Constitution, is divided into fourteen titles, and these have been divided into chapters, subdivisions and sections. It embraces provisions with respect to the legislative, executive and judicial departments; benevolent institutions, and public works and buildings; taxation, counties, townships and municipal corporations and their officers, and the election and compensation of public officers. This is preceded by a preliminary title, general in character, which contains definitions and other provisions applicable to the whole work, inserted to prevent the necessity of repetition. This title will be much enlarged in the final report, and will embrace certain provisions of a like character, which are inserted in some of the titles, in the expectation that those titles will be framed into bills before the work is presented as a whole, as already mentioned. The second part (Civil) contains private corporations, schools, deeds and mortgages, and all other titles in Swan & Critchfield's and Swan & Sayler's Statutes, and those made from the subsequent volumes, except the titles included in the other parts, as herein stated. The third part (Remedial) embraces the code of civil procedure, and everything relating to practice in matters of civil and quasi-criminal nature, including arbitration, bastardy, contempt, divorce and alimony, dower, evidence, executors and administrators, guardians, habeas corpus, juries in civil cases, occupying claimants, partition and quo warranto. And the fourth part (Penal) includes in three titles, everything relating to crimes, punishments, and criminal procedure, besides the proceedings to prevent the commission of crime, and the provisions relating to jails and the penitentiary. In other words, by this arrangement of the matter of the statutes, we claim to place in the first part (Political) the enactments that are organic, being the framework and machinery of the State government; in the second (Civil) those relating to persons and property; in the third (Remedial) everything connected with civil procedure in all the courts; and in the fourth (Penal) the enactments defining crimes, and prescribing punishment and procedure in criminal cases.

The fourth part has been completed, and is now passing through the press; and all the titles of the first part, except two, are completed, and also passing through the press. The sheets of these parts will be furnished to the General Assembly as fast as they are received. The remaining titles of the first part are elections and taxation, which will probably be completed during the month. Considerable time has been bestowed on the second and third parts, but neither of them has been completed. A marked feature in the second part will be a general provision in the title relating to private corporations, to take the place of the cumbersome class legislation on the subject, permitting three or more persons to become incorporated for any lawful purpose, except banking and some others; and another feature in the same title, will be

a provision fixing a time after the organization during which the original stockholders shall be held for debts, as contemplated by the Constitution. In the third part, a needed change has been agreed upon in conforming the pleadings and proceedings in divorce, dower, partition, and the like, to the code of civil procedure.

In deciding as to the best mode of numbering the sections, we have not been free from doubt. The sections in the late revision of the acts of Congress are numbered in one series, from one to five thousand six hundred and one, and that plan has been pursued in some of the states. In the Connecticut and some other revisions, the sections of each chapter, or part of a chapter where it is divided, form a series. Each plan has its advantages and disadvantages. The former plan is simple; it enables us, by placing prominently at the head of each page the numbers of the sections on that page, to readily find any section in the revision; and the work can be indexed by sections, which is important; hence this plan has many advocates, and all agree, that for a few years following the adoption of the revision, it would be preferable. But the objection has been urged, that as it will be necessary to add chapters, subdivisions, and sections to various titles, from time to time, this plan will soon lead to confusion. By the other plan, which has the advantage of being more orderly, it has been thought the difficulty can be avoided; and the advocates of this mode say, that when it becomes necessary to add other sections to a chapter, the whole chapter should be repealed and re-enacted, with the new sections added, and that in this way the harmony of the original plan will remain undisturbed. Is it probable, however, that in all cases when it becomes necessary to add one or more sections to a chapter, the whole chapter will be repealed and re-enacted, with the additions? On the contrary, it seems to us quite clear, that sections will oftentimes be added to chapters, as they are now added to statutes, without the repeal and re-enactment of any other sections than those amended. Little, if anything, would therefore be gained in this way over the first plan. But this difficulty, which applies to both plans, can be avoided by requiring the Attorney General, at the end of each session, to designate the proper places for such additional sections, if the Legislature fail to do so. This can be done by determining which original section of the revision each of such additional sections shall follow, and giving to such additional section the number of such original section, adding the letter *a*, or if there is more than one additional section to follow one original section, they can be designated by the letters *b*, *c*, etc. This will not only prevent confusion, but direct attention at once to the fact that such additional sections are new. As the convenience of the plan of a continuous, unbroken numbering is of far more importance than any supposed advantage from the orderly arrangement of the other plan, we prefer to follow the revision of the acts of Congress in this particular, unless otherwise directed by the General Assembly; but as the second and third parts have not been prepared, that mode of numbering the sections must be deferred until the final report is made.

The duties of the members of this Commission are prescribed in the statute. Obeying its provisions, we are endeavoring to reduce the general statutes to a concise and comprehensive form. In doing so, we are

directed to strike out redundant words; and, although this is less important than the duty of excluding obsolete provisions, restoring harmony in conflicting enactments, selecting proper words to supply omissions, or making a proper arrangement of the various heads, yet our duty as to redundant matter has not been neglected. Thus, in numerous places, the phrase, "in this State," occurs. But it is well settled that "general words in statutes must always be construed in view of the territorial limit to the powers of the Legislature." Hence the phrase is generally omitted. By the application of similar principles, we are fully justified in omitting numerous other words. Nor have we been indifferent to the form in which the legislative will shall be expressed. We are aware of a general rule, that each section of a law should express only one proposition, and that there should not be two sentences in a section, nor one sentence involving two propositions which may be well expressed separately; but we also know that a strict compliance with that rule is, in many cases, impracticable. As we have indicated at the end of each section the volume and page of the original section or sections, we have not deemed it necessary to indicate by separate notes, the changes or additions that have been made. Comparison will show quite as well what has been done in that respect. In a number of places we have spoken of changes made in the laws, as though we possessed legislative power; but that is simply a convenient mode of stating what we have done. It is hardly necessary for us to disclaim any such power.

In our former report, we stated that a full index to the laws (vol. 66 to vol. 72, inclusive,) had been prepared, and that it would "be printed and sent to the General Assembly in a few days." The index there referred to had been prepared by bringing together the indexes in the annual volumes, with some additions. But before that index was placed in the hands of the printer. we became satisfied that in prosecuting our work it would be necessary to bring together, under proper heads, all the provisions in force in the eight volumes, (66–73,) and that this would be the substantial parts of an analytic index. In view of this, we abandoned the intention of publishing the index as prepared, and determined to enlarge it, so that it might not only aid us in prosecuting the work of revision and consolidation, but also serve the public as a useful index to those volumes. The labor of its preparation was confined to Mr. E. T. Hall, and the result is the full, and, we trust, satisfactory index published with the general laws of 1876, under authority of the joint resolution adopted April 7, 1876, (73 v. 335). A table of repealed sections was also prepared under our direction, and published in connection with the index, as contemplated in the resolution* And as one object of the General Assembly in creating this Commission, was the dissemination among the people of a knowledge of the present condition of the laws, we felt justified in distributing, among public officers, attorneys, and others who have daily use for them, three thousand copies of the index and table. We hope the further advantage will be derived from this course, that persons who receive the work will recall the statement in

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* As it is important to have the table of repealed statutes as perfect as possible, we here note the only errors we have discovered in it:
Page 3. In the last sentence of the first paragraph, for the word "act," read "of both acts."
Page 12. In "Page 766, sec 19, 20," erase "20."
Page 31. In "66 v. 70, sec. 3," for "3," read "4."
Page 40. After "Page 105, taxation," insert "Page 108, Militia. 73 v. 173."

our former report, that "judges, and members of the bar, and others, can greatly aid us by a reference to the defects in the statutes they may have observed, and we respectfully solicit communications on the subject."

Recurring to the parts of the work which have been completed, we call attention to the preliminary chapter in the first part, to which allusion has been made, and which will be much enlarged in the final report; to the arrangement of the laws with respect to the three co-ordinate branches of the State government; to the importance assigned to our great public charities, the benevolent institutions; and to the position we have given to the divisions of the State, the counties, townships, and municipal corporations, and their officers. All of these are important, and we trust that the additions we have ventured to make, which will be readily seen on comparison with the provisions cited, may be regarded as proper. But the changes which have been made in the title with respect to municipal corporations, and the difficulties in the way of legislation on that subject, induce us to make a more extended explanation concerning that title.

The Constitution of the State contains these provisions:

"All laws of a general nature shall have a uniform operation throughout the State." Art. 2, § 6.

"The General Assembly shall pass no special act conferring corporate powers." Art. 13, § 1.

"Corporations may be formed under general laws; but all such laws may, from time to time, be altered or repealed." Art. 13, § 2.

"The General Assembly shall provide for the organization of cities and incorporated villages, by general laws, and restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such power." Art. 13, § 6.

In consequence of these provisions, much difficulty is experienced in enacting laws, which, while appropriate, or even essential to the prosperity of one or more municipal corporations, may be inappropriate or even mischievous, if made applicable to all.

In Welker v. Potter, 18 O. S. 85, it was held, that as the act of 1866, (63 v. 133,) relating to improvements, etc., has a uniform operation in every "city of the first class having a population less than one hundred thousand inhabitants at the last federal census," it is not in conflict with the above provision of Art. 2, § 26. The report does not show that the question, whether the act is in conflict with the above sections of the thirteenth article, was argued or considered. It has been supposod, sometimes, that this legislation was, in effect, classification; but the question is not free from difficulty, and the limits of legislative power in this respect may not be entirely settled, though the rule upon the subject, as we understand it, will be presently stated.

In another case it was held, that the act of 1870, (67 v. 141,) whereby the territorial limits of Cincinnati were extended, and its corporate

powers enlarged, was in conflict with the first and sixth sections of the thirteenth article, and the opinion was expressed that it was also in conflict with the second section of that article. The State ex rel. v. Cincinnati, 20 O. S. 18.

Other efforts have been made to avoid the difficulty, without any attempt at classification. This has been done by the employment of words descriptive of a particular city or village, without naming it; as, that it contained, at the last federal census, a certain number of inhabitants, or that it has, within its limits, some specified improvement, or the like. But there is no magic in mere words, and it is not believed that in such a case anything is gained by circumlocution. The nature of a law, whether general, or local, or special, is inherent in the law itself, and does not depend on the mere language in which it is clothed. As expressed in one case, "the constitutionality of an act is to be determined by its operation, and not by the mere form it may be made to assume." The State ex rel. v. The Judges, 21 O. S. 1—11.

If the first section of the thirteenth article applied only to private corporations, the difficulty we have suggested would not exist. And we are free to say that in the absence of any decision, we would have entertained the opinion that the section has no application to municipal corporations. But the Supreme Court has held otherwise, and its opinion can only be questioned before the same tribunal. The rule as it now exists upon this subject seems to be this: Where the act relates to matters administrative in their character, as distinguished from a grant of corporate powers, there is no objection to a direct reference to the municipal corporation by name, and nothing is gained by words descriptive of it. When, however, the act contains a grant of corporate powers proper, the corporation can neither be directly named, nor described in the way stated; the act must be general. But as powers which are essential to the prosperity of some of the large cities, might, if exerted in smaller communities, be oppressive, the plan of dividing municipal corporations into classes was suggested; and it is well settled that an act, though confined to cities of a particular class, is nevertheless general. This plan of classification was incorporated into the act of 1852, (50 v. 223), which was revised in 1869, (66 v. 149), and in the title here proposed that plan has been somewhat changed and enlarged, as we will now explain.

In the government of Cincinnati, Cleveland, Toledo, Columbus and Dayton, the five large cities of the State, it is found that their necessities are diverse, and the occasion for legislation, in a sense special, relating to their corporate powers, occurs frequently with respect to each of them. Besides it is sometimes difficult to determine whether a proposed act, which is in the main administrative in its character, may not contain some provision which may be construed as a grant of corporate power. Even where there is no such grant of corporate power, mere local administrative power may be granted and exercised as well under a general as a special act. Thus the first subdivision of the seventeenth chapter of the title we are now considering, which relates to the police in Cincinnati, is general in form, though local and special in fact, and there would be no constitutional objection, in that case, to legislation in which the city would be directly named. For the reasons given it has been deemed

advisable, however, to so classify those cities, that powers may be conferred upon either without affecting any other municipal corporation. This has been done by dividing the classes into grades; and, although it may be urged that this is an attempt to do indirectly a thing which can not be done directly, that is not always conclusive against a statute. We are entirely satisfied there is no constitutional impediment to the course here proposed. Thus, Cincinnati will be a city of the first grade of the first class, Cleveland a city of the second grade of the first class, Toledo a city of the third grade of the first class, Columbus a city of the first grade of the second class, and Dayton a city of the second grade of the second class; while the present laws and government of those cities will remain substantially as they are at the present time. Further classification is provided for in the title, and if occasion should arise, it can be extended in the manner indicated above.

The Constitution, as we have seen, requires the General Assembly to provide for the organization of "incorporated villages." Probably, in consequence of this, the word *incorporated* has been constantly repeated in the statutes, whenever the word village occurs. As this is unnecessary, we have, to avoid repetition, omitted it in the title relating to municipal corporations, and provided, in the first section of the first chapter of that title, that the word village shall mean incorporated village, unless the context shows it is used in another sense.

In the act of 1852, provision was made for the incorporation of special road districts; but the phrase was not appropriate, in view of the powers conferred on those corporations; snd in the revision of 1869, the cumbrous expression, "incorporated village for special purposes," was substituted. In this revision the latter designation has given place to the old word hamlet. Nor do we think that any violence is done to the term, for according to our best lexicographers it is a "small village, or a portion of a village," "a little cluster of houses in the country;" "a small collection of houses in the country, in distinction from a city, a large town or a township."

Other changes made or proposed, we can only refer to in a general way. Thus, as the expenses attending special municipal elections are not, ordinarily, compensated by any corresponding public benefit, we have, in general, provided that they shall be dispensed with, unless they are ordered by council. We have made provision, in the title relating to houses of correction, for an examination into the confinement of the inmates, on habeas corpus, the provisions with respect to which writ, in the chapter relating to such houses, seeming to be of doubtful constitutionality; but we have so guarded the provision that it cannot interfere with the efficient management of the institution. Under the general direction to supply omissions, we have added to the other enactments for the security of persons assembled at theatres, etc., a provision requiring that such place, if above the first floor, shall be supplied, at all times, with sufficient water, and means of applying it, or other efficient means, so that any fire which may occur while such building is thus occupied, may be readily extinguished. And we cannot doubt the assurance that such means of protection have been provided, would go far to prevent a panic in case of fire. We have required the city solicitor to

give official opinions and prepare official bonds, and have probably added to his official duties, but we think the public interest will be subserved by the course, though a corresponding increase in the compensation of that officer ought to be made. And we have not doubted the propriety of another provision, requiring all official bonds to be recorded.

In this connection we may direct attention to changes considered, but not proposed. While the provisions relating to the assessment of private property for streets, and the like, are defective, and in some respects apparently unjust, we have not felt that it is within the legitimate scope of our duties to make provision for any change in this respect in matter of substance, though our attention has been called to the subject a number of times. It seems to us, however, to be a departure from the correct view of assessments, to hold a party personally liable for the amount; but the Supreme Court was constrained, in *Gest* v. *Cincinnati*, 26 O. S. 275, to follow the former decision on the subject. The Court, however, fully recognize the principle, the justice of which cannot be doubted, that there must be a limit to assessments; but cases may arise under the present legislation, in which it may be difficult to enforce that principle. Thus, where three-fourths in interest of the property-owners petition for such improvement, in Cincinnati, Cleveland or Toledo, we do not perceive that there is, in the law, any limit to assessment, even to the extent of confiscation of the whole property.

Two other matters which pertain to the parts already completed, may be noticed at this place. The first is, that in defining the duties of county officers, we have, in general, specified their fees under the same head. But the provisions for the fees of county auditors, in a few unimportantant instances, are so connected with provisions which fall under other heads, that it has not been thought best to separate them.* The other matter is with respect to the repealing clauses. One title will be devoted to acts repealed, and the repeal of each statute will form a paragraph—a rule that should never be departed from. Indeed, of late years, in some legislative assemblies, the repeal of each statute is made a section. If any title is introduced as a bill at this session, we can readily furnish the proper repealing section.

In defining crimes and prescribing punishments, there has been an earnest endeavor to embody in one title the substance of all the enactments on those subjects. To do this in such form as to afford reasonable hope of meeting the expectations of the public, has required time and care to an extent in no way indicated by the length of the title. Indeed, the effort to exclude all needless words and phrases, and employ perspicuous, comprehensive terms, whereby the bulk of matter might be reduced, occasioned the chief expenditure of time. The same remarks apply to the title relating to criminal procedure, though in a less degree, for the provisions on that subject were reduced to a code less than eight years ago. In a few instances, the provisions embrace crimes not heretofore provided for; but this is only in cases where the omission to make provision was clearly an oversight.

The manner of awarding punishment, so that it shall be inflicted ac-

*We have already called attention to the fact that there is no law in force providing compensation to county auditors for their general services. See the table of repealed statutes in vol. 73 of the laws.

cording to the real magnitude of the offense, has often attracted the attention of legislators and others. The subject is important and beset with difficulties. Renewed discussion of it has led us to examine the subject with care. In some States the amount of the punishment is fixed by the jury; but it is the settled policy in this State that the Judge presiding at the trial shall perform that duty. That our practice in this particular is wise, we entertain no doubt. In saying so, we are aware that, in awarding punishment, some Judges are more severe than others, but that difficulty is irremediable. To do exact justice in all cases is, under any system, simply impossible. But a Judge, by constantly, comparing the case before him with others that may have come under his observation, will finally establish something like a rule on the subject, while the jury, ever changing, would be without a guide. Moreover, a jury would be called on to decide at once, and frequently under strong excitements, while a Judge has time for reflection. But there is a stronger reason in the fact, that frequently a statement, which might be altogether proper to, and very cogent with the court, after conviction, in reducing or increasing the punishment, could not be made with any safety or propriety during the trial, and a jury would be compelled to sentence without any of those aids.

The policy in this State being settled, the question is, whether, by any change in the provisions of our statutes, the judges will be enabled to discharge this important duty in a manner more satisfactory to themselves and the public. The mere name of the crime cannot indicate the amount of punishment which the offender ought to endure. To say that a judge had sentenced one man to the penitentiary *one* year for killing a good citizen, and another *twenty* years for attempting to kill a bad one, would, at first, seem to be a charge that the judge was unjust; but complete knowledge of the facts might lead to the conclusion that each sentence was unobjectionable and entirely fair. Our attention has also been called to instances where confederates in crime have been convicted, some before one judge and some before another, and their sentences been widely different, while to a person not familiar with all the facts, there seemed to be little or no difference in the blame that ought to have been imputed to each of them. But without regard to the difficulty already referred to, it may be observed that it rarely happens that men acting in concert in the commission of crime deserve equal punishment; and in the case stated, it may have been quite apparent to the judges, though not disclosed in any record or report of the case, which was the principal offender. In the punishment of crime, the protection of society is to be regarded, and experience shows that is best secured by awarding punishment, not merely with reference to the name by which the offense is called, but according to the atrocity or depravity of the offender, or his disregard of social obligation in the particular case. Moreover, this is in accordance with the principles of justice. Under our present statutes, it is sometimes beyond the judge's power to do justice, either because the greatest punishment provided for the crime may be inadequate in the particular case, or because, in view of mitigating circumstances, the mildest punishment prescribed in the statute may seem somewhat harsh. The remedy, therefore, and the only one, is to enlarge the maximum and lessen the minimum prescribed in the statute, whenever such difficulty might arise, so as to enable the judge to do justice in each particular case.

Nor are we prepared to say that it would be an unwise change to remove entirely the minimum limit of fine or imprisonment in all cases. It is probably within the knowledge of every person familiar with the courts, that convictions sometimes occur where the Judge, though unable to set aside the verdict, for the reason that the accused is at least technically guilty, is quite willing to join at once in an application for executive clemency. If the minimum limit were removed, the Judge, in such cases, could make the punishment nominal, as the offense, in the supposed cases, is not one of substance, but rather of form. These of course, are exceptions to the general rule, but it would, in our judgment, be well to provide for them by enlarging, or rather by not restraining the Judge in this discretion. But as this is legislation in a matter of substance, found in nearly all the enactments for the punishment of crime, we do not feel at liberty to make the change suggested.

We stated in our former report, that there has been devolved upon us "a work of time and care," and that "to form any reliable estimate of the time that may be required to complete the labors of this Commission, is simply impossible." We are not now able to state definitely whether, if this General Assembly, at the close of its present session, will adjourn to meet in next November, we can lay before it, in one bill, the entire body of the general laws; but we will be able to afford that information before the ordinary period of adjournment is reached. And as a session devoted mainly if not entirely to the revision, would enable the General Assembly to perform its duty, with respect to the work, in a more satisfactory manner than would be possible at an ordinary session, we trust we may be able to afford this General Assembly that opportunity to act finally on the whole work. We find it impracticable, however, to append the notes of decisions in advance of the adoption of the revision. These and the analytic index which will be necessary, must be added afterward. In any view, in less than one-half of the time occupied by the New York Commission, and with less than one-third the expense, the entire work will be completed. And no effort will be spared to make it equal, in all respects, with she best revision that has been made.

Respectfully submitted,

M. A. Daugherty,
John W. Okey,
John S. Brasee,
Commissioners.

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46	Mr. Lewis—To transfer the office of gas commissioner to the department of chemistry, in the Ohio Agricultural College	31	....
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64	Mr. Bates—To amend section one of an act supplementary to the act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, passed April 15, 1867, and amended March 7, 1872, (69, O. L., pp. 20-21)	151	....
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133	Mr. Swan—To authorize the board of public works to construct a culvert and berme bank in section 19 of the Miami and Erie canal	572, 628, 630	631
138	Mr. Kent—To amend an amendment to the second section of an act entitled an act supplementary to an act making certain instruments of writing negotiable, passed February 25, 1820, and as amended March 26, and took effect June 2, 1861, passed and took effect March 17, 1875	97, 136	141
139	Mr. Haines of Preble—Supplementary to the act to regulate and govern the Ohio penitentiary	758	....
140	Mr. Swan—To regulate the Ohio Agricultural and Mechanical College, in Ohio, and to repeal certain acts therein named.	337, 379, 486, 542	543
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175	Mr. Haines of Carrol—To amend section 2 of an act entitled an act for the maintenance and support of illegitimate children, and to repeal certain acts therein named, passed April 3, 1873, (vol. 70, O. L., p. 111)	77, 109	110
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182	Mr. Brown of Ross—To repeal section 20 of an act entitled an act to regulate incorporated companies, passed February 11, 1848, (S. & C., p. 271), and section 19 of an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, (S. & C., p. 271)....	.....132, 140	158
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190	Mr. Haines of Preble—To amend sections 534 and 536 of an act to establish a code of civil procedure, passed March 11, 1853, (S. & C., pp. 1112-1115).....	93, 478, 499, 524, 555, 573, 584	587
194	Mr. Swan—Supplementary to the act entitled an act to authorize the county commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, passed march 29, 1867, (S. & S., p. 671), and the acts amendatory thereof and supplementary thereto.....	.....270, 332	333
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204	Mr. Haines of Preble—To render judicial sentences of convicts to the penitentiary more uniform in this State.....	758	....
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231	Mr. Bates—To authorize free banking....	..11, 16, 164, 175, 205, 520, 585	587
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237	Mr. Hudson—To secure the wages of labor.	.....9, 20, 79, 97, 98, 734	
238	Mr. Bates—To create a board of trustees of the sinking fund in cities of the first-class, having a population of one hundred and eighty thousand, or over.....	....9, 20, 277, 286, 295, 690, 707	707
239	Mr. Owens—Supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852.....	.....9, 20, 50, 52, 199 222	223

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241	Mr. Schenck—To amend section one of an act entitled an act to punish certain offenses therein named, passed February 24, 1876	11, 21, 440, 447, 448, 468	....
242	Mr. Philson—To authorize the creation of a special school district in Clay township, Gallia county, Ohio	11, 21, 442, 447, 466	....
243	Mr. Stanton—To repeal section 2 of an act entitled an act to fix the rate of legal advertising	[731, 734, 754, 761 11, 21, 221, 253, 255, 256, 722,	....
244	Mr. Kent—To authorize the council of the incorporated village of Kent, Ohio, to make private contract for the construction of additions to stone bridge proposed to be built by the commissioners of Portage county, Ohio, across the Cuyahoga River in said village to issue bonds and borrow money and levy a tax to pay said bonds	14, 21, 77, 79, 132, 140	158
245	Mr. Owens—To amend an act entitled an act prescribing the rate of taxation for county bridge, road and township purposes, passed May 1, 1871, (O. L., vol. 68, p. 117), and to amend an act entitled an act prescribing the rate of taxation for county, bridge, road and township purposes, passed April 26, 1872, (O. L., vol. 69, p. 113) passed April 3, 1876, (O. L., vol. 73, p. 149)	19, 29, 46, 48, 49, 58, 73, 98	99
246	Mr. Owens—To exempt personal earnings from application to the payment of debts in certain cases	20, 29, 56, 65, 735	....
247	Mr. Bates—Supplementary to the act relating to cities of the first-class, having a population exceeding one hundred and fifty thousand inhabitants, passed May 4, A. D. 1869	[440, 475, 477, 568, 572 21, 29, 59, 66, 418, 426, 439,	583
248	Mr. Warnock—To amend section 9 of an act supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1872, passed April 15, 1867, (S. & S. 186,) as amended Feb. 25, 1869, (O. L., vol. 66, p. 14), as amended April 20, 1874, (O. L., vol. 71, p. 161,) as amended April 11, 1876, (O. L., vol. 73, p. 188)	21, 29, 101, 108, 114, 243, 284	28
249	Mr. Rukenbrod—To amend an act to regulate the election of State and county officers, passed May 3, 1852, (S. & C., p. 532), amended April, 12, 1870, (O. L., vol. 67, p. 47)	21, 30, 60, 66, 200, 222	223

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250	Mr. Haines of Carroll—To amend section 1 of an act relating to roads and highways, passed March 29, 1875, (O. L., vol. 72, p. 112)	21, 30	....
251	Mr. Owens—To punish the practice of resorting to distant courts to oppress citizens of Ohio and deprive them of their rights under the statutes of Ohio	[193, 517, 557, 700 21, 30, 130, 138, 159, 160, 167	....
252	Mr. Lewis—To authorize the appointment of commissioners to compile or prepare a series of text books for use in the common schools of the State of Ohio	25, 36, 574, 577, 585, 632	....
253	Mr. Johnston—Relating to jurors	26, 36, 80, 98	....
254	Mr. Ransom—To authorize the formation of companies for dealing in real estate	26, 36, 159, 295, 521	....
255	Mr. Kessler—Supplementary to an act entitled an act to regulate the election of State and county officers, passed January 3, 1852	28, 36, 73, 104, 109	109
256	Mr. Lewis—To repeal section two of an act entitled an act to protect certain birds and game, and to protect land owners and punish tresspassing upon improved or enclosed land, and to repeal certain statutes therein designated passed and took effect April 20, 1874, (O. L., vol. 71, p. 148)	28, 36, 56, 65, 70	....
257	Mr. Curtsis—To increase the capacity for gas manufacture at the Ohio penitentiary and for other purposes	30, 36, 40, 69, 109	110
258	Mr. Curtiss—To prevent crime and punish parties for compounding felonies and misdemeanors	30, 36	.
259	Mr. Bates—To amend an act entitled an act to fix the salaries of certain State officers, and to repeal a certain act therein named, passed January 24, 1867, (S. & S. 695)	33, 36, 71, 125	....
260	Mr. Ransom—To amend sections 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 14, 16, 17, of an act entitled an act to regulate the police force in cities of the first-class, and to repeal an act passed December 18, 1874, entitled an act for the better regulation of the police force in cities of the first-class, having a population of two hundred thousand or over, and to repeal an act entitled an act to establish a board of police commissioners in certain cities of the first-class, passed March 29, 1873, (O, L., vol. 72, p. 51), passed March 24, 1876, (O. L., vol. 76, p. 70), and supplementary thereto	[304, 311, 314 34, 36, 145, 154, 156, 157, 295,	315

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261	Mr. Bates—To amend section 14 of an act entitled an act providing for the punishment of crimes, passed March 37, 1835, as amended by an act passed February 10, 1872, [O. L. 69, p. 10]	35, 36, 56, 66	....
262	Mr. Knox—Fixing the time of holding the district courts in the several counties in the 8th judicial district for the year 1877.	36, 39, 44, 57, 98	99
263	Mr. Miller—To amend section two of an act entitled an act to authorize the commissioners of the several counties in this State through which the National Road passes, to take under their care and control so much of said road as lies within the limits of such counties respectively, passed April 6, 1876, pp. 105-106, (O. L. vol. 73)	36, 43, 100, 215, 235	237
264	Mr. Beatty—Supplementary to an act passed April 11, 1876, (O. L., vol. 73, p. 169), to amend section 7, of an act to authorize the county commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act named therein, as passed March 29, 1867	[235, 593 37, 44, 80, 86, 99, 198, 201, 216,	237
265	Mr. Monahan—To amend section 94 of an act entitled an act for the assessment and taxation of property, and for levying taxes thereon according to its true value in money, as assessed by section 2, April 11, 1865	45, 51	....
266	Mr. Knox—To amend section two of an act to better provide for the organization, regulation and management of hospitals for the insane, passed March 27, 1876, [O. L., vol. 73, p. 81]	45, 51, 206, 211, 216, 309, 332	332
267	Mr. Monahan—To create two election precincts in Milton township, Jackson Co.	45, 51, 61, 271, 322	323
268	Mr. Spangler—To amend section 28 of an act entitled an act to amend section 28 of an act relating to roads and highways, passed March 9, 1868, [S. & S., p. 668], amended April 11, 1876, [O. L., vol. 73, p. 185]	45, 52, 118, 129, 269, 283, 577	....
269	Mr. Schenck--To amend section four of an act entitled an act to facilitate the administration of justice in Cuyahoga county, passed March 25, 1875, [O. L., vol. 72, p. 105]	50, 52, 123	....
270	Mr. Johnston—Supplementary to an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869, [O. L., vol. 66, p. 149]	54, 78	....

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271	Mr. Burrows—To authorize the trustees of Geneva township, Ashtabula county, to levy a tax and issue bonds for certain purposes therein named	60, 82, 101, 108, 114, 167, 190	191
272	Mr. Monahan—To amend sections 43, 44 and 46 of an act to regulate the election of State and county officers, passed May 3, 1852, [S. & C., pp. 540, 541]	69, 82, 389, 396, 414, 422, 430	....
273	Mr. Brown of Lucas—To amend section 9 of an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, [S. & C., vol. 1, p. 276], and re-enacted by section 3, of an act entitled an act to provide for and regulate street railroad companies, passed and took effect April 10, 1861, [S. & P , 134]	69, 82, 133, 138, 168, 190	191
274	Mr. Bates—To amend the act entitled an act to authorize cities of the first-class to issue bonds for university purposes, passed April 27, 1872, [O. L., 69, p. 164]	69, 82, 120	....
275	Mr. Bates—Relating to inclined plane railway companies organized under the act of May 1, A. D. 1852, entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio	69, 82, 164, 179, 181, 364, 395	396
276	Mr. Brown of Lucas—To amend an act entitled an act limiting the rate of taxation in municipal corporations [O. L., vol. 73, p. 222]	70, 82, 347, 357, 359, 550, 584	587
277	Mr. Stanton—Prescribing the fees of county treasurers	74, 82, 108, 115, 135, 144	....
278	Mr. Johnston—Supplementary to an act to fix the compensation of members and officers of the General Assembly, passed April 2, 1866, [S. & S., p. 696]	79	....
279	Mr. Stickney—To create a special school district in Seneca county, Ohio, to be called the Rockaway special school district	79, 112, 154, 161, 162, 307, 332	332
280	Mr. Swan—To amend section 4 of an act entitled an act to provide for the partition of real estate, passed February 17, 1831, and took effect June 1, 1831, (S. & C., p. 896)	79, 112, 291, 294, 319, 641, [690 688,	....
281	Mr. Stanton—To enable the township and incorporated village of Malta to purchase a site for and build a town hall	83, 112, 470, 477, 492, 562, [630 629	631
282	Mr. Andrews—To amend section 1 of an act entitled an act providing for the election of county auditors, and prescribing their duties, passed April 18, 1870	83, 112, 345, 351, 353, 372, [707 690,	707
283	Mr. Andrews—To divide the township of Richland, Allen county into election precincts	92, 121, 134, 151, 190	191

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284	Mr. Stickney—To authorize the common council of the village of Attica, in Seneca county, to transfer money	99, 121, 141, 148, 284, 322	323
285	Mr. Monahan—To authorize the board of education of the city of Portsmouth to borrow money to build a school house and issue bonds for the payment of the same	99, 121, 154, 161, 162, 307, 332	....
286	Mr. Knox—To regulate the fees of county surveyors, and to repeal section 1 of an act to regulate the fees of county surveyors, passed March 18, 1867	99, 121, 216	....
287	Mr Kleinschmidt—For the better management of orphan asylums	99, 121, 258, 267, 394, 433	434
288	Mr. Swan—To amend section 7 of an act entitled an act establishing boards of county commissioners and prescribing their duties, passed March 12, 1853, as amended March 30, 1868, (S. & S., p. 89)	99, 121, 236, 245, 250, 452, 588, 628, 630	631
289	Mr. Schenck—To authorize the council of the incorporated village of West Cleveland, Ohio, to issue bonds to the amount of fourteen thousand dollars for the purpose of grading Detroit street and building a culvert under the Lake Shore and Michigan Southern Railroad at the intersection of Lake Avenue	100, 121, 141, 142, 220, 234	237
290	Mr. Brown of Lucas—To amend sections 5, 6 and 10 of an act entitled an act to protect certain birds and game and to protect land owners and punish tresspassing upon improved or enclosed land, and to repeal certain statutes therein designated, passed April 20, 1874, (O. L., vol. 71, p. 147 and amended April 11, 1876, (O. L., vol. 73, p. 216)	100, 121, 143, 150, 151	....
291	Mr. Knox—To provide for obtaining and publishing reports of banks, savings institutions and trust companies, organized under the laws of this State	101, 115, 170, 180, 367, 409	410
292	Mr. Lewis—To change the sub-division of the eighth judicial district, to create an additional sub-division thereof in the State of Ohio, and the election of an additional judge therein	100, 122	....
293	Mr. Warnock—To authorize the board of county commissioners of Champaign county, Ohio, to levy a tax for the purpose of paying the indebtedness of the Champaign county agricultural society	116, 122, 165, 179, 181	....
294	Mr. Brown of Ross—To amend an act entitled an act to amend an act fixing the rate of interest, passed January 12, 1824, passed February 18, 1848, (S. & C., p. 744)	116, 122, 224, 236, 252, 253, 517, [557, 669	....

SENATE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
295	Mr. Ransom—To regulate the letting of contracts for the doing of public work, and the better protection of mechanics..	.....116, 122, 346, 351, 354, 736	....
296	Mr. Beatty—Supplementary and amendatory of the act entitled an act to amend sections 2, 4, and 24, of an act entitled an act to preserve the purity of elections, passed March 20, 1841, (S. & C., 543, 544, 547), as amended by the acts of April 15, 1857, vol. 54, O. L., p. 136),May 30, 1864, (vol. 61, O. L. 83), and April 15, 1867, (vol. 64, O. L., 151), and to repeal the acts amendatory thereof and supplementary thereto, passed February 15, 1861, (vol. 58, O. L. 17), May 30, 1864, (vol. 61, O. L. 83), April 15, 1867, (vol. 64, O. L. 229), as amended April 17, 1868, (S. & S. 340).....	[299, 304, 332, 333, 336 118, 126, 207, 211, 233, 259, 286,	....
297	Mr. Bates—To amend section 200 of an act to establish a code of civil procedure, (S. & S., p. 550).....	120, 138, 441, 447, 472, 671, 706	707
298	Mr. Warnock—To amend an act entitled an act to amend the first section of an act entitled an act relating to wills, and the repeal of former acts relating thereto, passed May 3, 1852, took effect June 1, 1852, (S. & C., 1615), passed March 30, 1874, (O. L., vol. 72, p. 3).....	.....120, 138	....
299	Mr. Rukenbrod—To amend section 8 of an act entitled an act to prevent cruelty to animals, and provide for the organization of associations or societies for the prevention of cruelty to animals, and to repeal certain acts herein named.....	[734 124, 147, 290, 302, 319, 320, 478,	....
300	Mr. Monahan—To provide for an inebriates' home	.....124, 147, 326, 343, 396, 397	....
301	Mr. Brown of Lucas—To prevent and punish frauds in securing extension on debts, and release of one debtor and substitution of another.....	.....124, 147	....
302	Mr. Kessler—To amend section 1 of an act to protect election of voluntary political associations, and punish frauds therein, as passed April 20, 1874,(O. L., vol. 71, p. 104)	124, 147, 220, 229, 244, 671, 706	707
303	Mr. Beatty—To amend an act entitled an act supplementary to the act to provide for the organization of cities and incorporated villages, passed May 3, 1852, passed and took effect April 3, 1857, (O. L., vol. 54, p. 85).....	.....124, 147	....
304	Mr. Lewis—Supplementary to an act to provide for the sale of three several tracts of Moravian lands, in the county of Tuscarawas, passed March 20, 1840, (O. L., vol. 38, p. 164).....	[432 125, 147, 165, 258, 267, 274, 407,	434

SENATE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
305	Mr. Curtiss—To amend section 1 of an act entitled an act to authorize the consolidation of railroad companies in this State with railroad companies of States adjoining, in certain cases, and to authorize railroad companies in this State to extend their roads into adjoining States, passed April 10, 1856, and took effect May 1, 1856, (S. & C., 327), as the same was amended by the act of May 6, 1869, (O. L. 66, 127), and also to amend section 2, of the aforesaid act, passed April 10. 1856	130, 147, 275, 278, 279, 363, 395	396
306	Mr. Burns—To revise and consolidate the general statutes of Ohio	130, 145, 148, 168, 171	....
307	Mr. Rukenbrod—To regulate the speed of railroad locomotives and cars, within the corporate limits of any city, town or village	131, 148, 289, 318, 517, 628, 630	631
308	Mr. Hudson—To secure the ends of justice in trials by jury in the State of Ohio	143, 148	....
309	Mr. Monahan—To regulate the sale of property belonging to corporations where the stock is raised by subscription	143, 148	....
310	Mr. Johnston—Providing for the safe keeping of the evidence to titles of lands acquired by the State and prescribing the duties of the Auditor of State in relation thereto	144, 148, 161, 163, 270, 298, 322	....
311	Mr.Schenck—For saving societies and associations	145, 153	....
312	Mr. Curtiss—To secure the collection of delinquent taxes	148, 171, 379, 409	410
313	Mr. Kent—To create a sub school district in Portage township, Summit county	154, 171	....
314	Mr. Brown of Lucas—To re-enact section 4 of an act to provide for the taxation of bank shares and bankers, passed and took effect April 14, 1867, (S. & S. p. 763), and repealed April 12, 1868, and to repeal an act to provide for the equalization of the valuation of bank shares for taxation, (O. L., p. 251), passed and took effect April 12, 1876	154, 171	....
315	Mr. Rukenbrod—To divide the township of Perry, county of Columbiana, into two election precincts	154, 171, 261, 267, 274, 496, 542	543
316	Mr. Burns—To repeal section 665 of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869, and took effect July 1, 1869, (O. L., vol. 66. p. 262); also to repeal section 666 of the same act, as amended April 18, 1870, (O. L., vol. 67, p. 86)	156, 171, 176, 209, 211, 218, 235 [265	....

SENATE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
	Mr. Knox—Supplementary to an act to provide for the revision and consolidation of the statute laws of Ohio, passed March 27, 1875	156, 172, 246	....
318	Mr. Hudson—To amend section 434 of an act entitled an act to establish a code of civil procedure, (S. & C., p. 1307), passed March 11, 1853, and took effect June 1, 1853	159, 172, 423, 426, 433, 436	....
319	Mr. Lewis—For the relief of Thomas H. Farmilton	159, 172, 328, 343, 351, 417	....
320	Mr. Johnston—Supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, (S. & C., 271)	159, 172, 348, 357, 359, 373, 646, [647	....
321	Mr. Bates—To regulate insolvent insurance companies	163, 172	....
322	Mr. Schenck—To authorize the trustees of the township of Rockport, Cuyahoga county, to issue bonds to the amount of six thousand dollars for the purpose of buying land and erect and repair buildings for infirmary purposes	163, 172, 219, 229, 235, 236, 310, [332	332
323	Mr. Bates—To amend section 53 of the code of civil procedure	172, 194, 479, 504, 735	....
324	Mr. Beatty—Prescribing the fees of county auditors and county treasurers	172, 194	....
325	Mr. Haines of Carroll—To amend section 89 of an act for the reorganization and maintenance of common schools, (O. L., vol. 70, p. 222)	172, 194, 456, 490	....
326	Mr. Schenck—To amend section 17 of an act entitled an act to authorize the election of a board of police commissioners, and consolidating the same with the board of health in cities of the first-class, with a population of less than one hundred and fifty thousand and over ninety thousand inhabitants at the last federal census, and to repeal certain acts, (O. L., vol. 73, p. 47)	172, 194, 220, 229, 240, 594, 628, [630	631
327	Mr. Kessler—To regulate insurance companies	174, 194	....
328	Mr. Swan—To provide for the platting and recording of fractions of land	176, 194, 346, 351, 354	....
329	Mr. Kleinschmidt—Authorizing district courts to order abstracts of legal notices and advertisements to be published in counties constituting for itself a judicial district	177, 194, 627, 629, 656, 688	....
330	Mr. Lewis—To amend an act to prevent collisions on railroads within the State of Ohio, passed and took effect March 24, 1860, (O. L., vol. 57, p. 106; S. & C., p. 372)	179, 194, 444	....

SENATE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
331	Mr. Knox—To change the subdivision of the eighth judicial district to create additional sub-divisions and for the election of additional judges therein	203, 233	....
332	Mr. Brown of Lucas—Supplementary to an act entitled an act to amend sections 97, 443, 649, 650 and 656 of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869, (vol 66, p. 165), and section 663, of said act as amended April 18, 1870, (vol. 67, p. 85), passed April 8, 1876, (vol. 73, p. 125)	[628 203, 233, 291, 294, 319, 341, 589,	631
333	Mr. Kleinschmidt—To amend section 78 of an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, and amended April 17, 1854, (S. & C., 271)	203, 233	....
334	Mr. Lewis—To authorize the commissioners of Tuscarawas county, Ohio, to make compensation to George W. Ellis, as watchman at the county jail of said county	203, 233, 356, 395	396
335	Mr. Warnock—To change the times of holding the second and third terms of the court of common pleas in the counties of Miami and Champaign, for the year 1877	203, 240, 284, 322	....
336	Mr. Monahan—To authorize the commissioners of Jackson county to lease part of the public square in the incorporated village of Jackson, for certain purposes.	205, 233, 346, 357, 372, 737, 753	754
337	Mr. Swan—To amend section 51 of an act entitled an act to provide for the settlement of the estates of deceased persons, passed March 23, 1840, and took effect November 1, 1840, (S. & C., 575)	206, 233, 441, 447, 448, 699	....
338	Mr. Stickney—To amend an act entitled an act to authorize the commissioners of Seneca county to build a jail, and issue bonds therefor	224, 233, 294, 318, 428, 475	477
339	Mr. Curtiss—To authorize the city council of the city of Akron to levy a tax for certain purposes	236, 250, 260, 267, 274, 307, 322	323
340	Mr. Lewis to create a sub-school district in Dover township, Tascarawas county, out of territory within the Dover union school district in said county	236, 251, 289, 302, 319, 407	...
341	Mr. Aaines of Corroll—To amend section 18, of an act relating to roads and highways, passed March 9, 1868, (O. L., vol. 65, p. 19)	236, 251, 390, 346, 400, 496, 542	543

SENATE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
342	Mr. Bates—To amend section 5 of an act to amend an act entitled an act for the assessment and taxation of property in this State and for levying taxes thereon according to its true value in money, passed May 8, 1868	248, 251, 470, 483, 490, 545, [735 730	....
343	Mr. Kerr—To create a sub school district in Batavia township, Clermont county	248, 251, 302, 363	....
344	Mr. Lewis—To authorize the school board of New Philadelphia to issue bonds and build a new school house	259, 275, 287, 296, 300	300
345	Mr. Rukenbrod—To amend section 2 of an act entitled an act for the protection of railroads, passed March 20, 1849, passed March 6, 1845, (S. & C., vol. 1, p. 420)	260, 278, 288, 294, 301, 734	....
346	Mr. Swan—To amend section 70 of an act entitled an act to establish a code of civil procedure, passed March 11, 1853, and amended April 3, 1862, (S. & S. stat., 543), as amended February 11, 1874, (O L., vol. 71, p. 4)	260, 278, 320, 335, 342, 659, [690 688,	....
347	Mr. Monahan—To authorize the commissioners of Jackson county to transfer certain funds to the poor funds of said county	260, 278, 320, 335, 342, 588, 658	658
348	Mr. Lewis—To create a special school district in Sandy township, Tuscarawas county	261, 279, 289, 294, 318, 395, 409	410
349	Mr. Stickney—For the relief of Peter Weikert	262, 285, 351, 418, 475	477
350	Mr. Andrews—To authorize the commissioners of Van Wert county to make a temporary loan	275, 281, 286, 287, 356, 395	396
351	Mr. Lewis—To require the township trustees of Fairfield township, in the county of Tuscarawas, to open a certain county road through said township	276, 294, 321, 337, 479, 488	479
352	Mr. Warnock—To amend section 4 of an act entitled an act to amend the act entitled an act for the regulation of turnpike companies	276, 294, 320, 325, 393, 475	477
353	Mr. Swan—To amend section 54 of the code of civil procedure, passed March 11, and took effect June 1, 1853, (S. & C., p. 961)	277, 295	....
354	Mr. Stanton—To create a special school district of certain territory in York township, Morgan county, and Bearfield township, Perry county	280, 317, 384, 506, 544, 572, [630 628,	631
355	Mr. Hudson—Providing for the erection of a jail for the county of Erie	280, 317, 355, 465	....

SENATE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
356	Mr. Andrews—To amend an act entitled an act to amend an act entitled an act amendatory to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, passed April 18, 1856, passed April 14, 1870, passed March 15, 1875, (page 55, Laws of Ohio, 1875)	[693, 732, 753 281, 317, 445, 450, 675, 676, 689,	754
357	Mr. Swan—To amend section 2 of an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852. (S. & C., vol. 1, p. 271), as amended February 14, 1872, (vol. 69, p. 14)	282, 317, 445, 447, 450, 691	
358	Mr. Burns—To authorize the transfer of certain funds therein named, now in the treasury of the incorporated village of Lexington, Richland county	285, 317, 361, 371, 383, 588, 658	658
359	Mr. Kent—To amend an act amendatory to an act entitled an act for the reorganization of common schools, passed March 1, 1873, (O. L., vol. 72, p. 45)	288, 318, 335, 338, 588, 628, 630	631
360	Mr. Haines of Carroll—Supplementary to an act to amend section 3 of an act entitled an act to restrain dogs from running at large at night, and for the protection of sheep, passed March 24, 1863, passed April 4, 1866, passed March 13, 1868, (S. & S., p. 11)	292, 318	
361	Mr. Bates—To amend section three of an act to provide for the equalization of the valuation of bank shares for taxation, passed April 12, 1876, (O. L., vol. 73, p. 251)	300, 322, 325, 335, 341	323
362	Mr. Curtiss—Amendatory of and supplementary to an act to enable trustees of religious denominations to become incorporated, and defining their powers, passed April 20, 1874	300, 322, 390, 396, 399, 558, 585	587
363	Mr. Burns—To repeal certain acts therein named	301, 322, 364	323
364	Mr. Burress—For the relief of James T. Coffield and his sureties, treasurer of Patterson township, Darke county, Ohio	305, 343, 434, 475	477
365	Mr. Monahan—To provide for the election of defending attorneys and prescribing their duties	305, 338, 454	
366	Mr. Brown of Lucas—To amend section one of an act entitled an act for the establishment and maintenance of public libraries in certain cities of the first-class, passed and took effect April 18, 1873	337, 367	

SENATE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
367	Mr. Swan—To authorize the board of education of the special school district of the incorporated village of Ottawa, Putnam county, Ohio, to levy an additional tax for school purposes	338, 368, 446, 447, 457, 629, 657	658
368	Mr. Hudson—To authorize the common council of Ork Harbor to borrow money.	338, 368, 386, 396, 399, 459, 475	495
369	Mr. Andrews—To create a special school district in sub-district number four, of Miami township, Mercer county, Ohio	343, 368, 492, 735	....
370	Mr. Andrews—Supplementary to the several acts prescribing the powers and duties of notaries public	343, 368, 439, 447, 456, 469, 734	....
371	Mr. Bates—Supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852	343, 368	....
372	Mr. Stanton—To create a special school district in Marion township, Morgan county, Ohio	343, 368, 452, 465, 466, 592, [630, 628	631
373	Mr. Stanton—To amend section 10 of an act for opening and regulating roads and highways, passed January 27, 1853, (S. & C., p. 1293)	343, 368, 473, 477, 503	....
374	Mr. Hudson—To authorize the council of the incorporated village of Bellevue to issue bonds for the completion of town hall and fire-engine house	360, 368, 391, 396, 401, 671, 707	707
375	Mr. Lewis—Supplementary to the act to require mortgage or bills of sale of personal property to be deposited with township clerks	360, 368, 453, 467, 639, 669	669
376	Mr. Burns—To authorize the city council of Mansfield to levy a tax in addition to that now authorized by law, for the payment of a certain bonded debt	361, 368, 391, 396, 401, 436, 475	477
377	Mr. Kessler—Creating a salary commission in cities of the first-class to equalize and fix the salaries of clerks and employes in the various boards and departments of such cities	361, 368, 526, 549	....
378	Mr. Burress—Supplementary to an act entitled an act to provide for the appointment of trustees, and disposition of money, property and assets held in trust for building soldiers' monument, and also supplementary to an act entitled an act supplementary to an act to provide for the apportionment of trustees and disposition of money, property and assets held in trust for building soldiers' monument, (O. L., 68, 122 and 72, O. L., 60)	373, 389, 396, 399, 436, 475	490

SENATE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
379	Mr. Andrews—Relating to dams for hydraulic purposes	379, 411, 723, 732	....
380	Mr. Ransom—To authorize the construction of bridges across the Ohio river in certain cases	381, 411	....
381	Mr. Ault—To authorize the trustees of the Slankerville church union in the township of Chippewa, in the county of Wayne, to sell the real estate belonging to said church union	382, 411, 445, 447, 451, 520, 585	587
382	Mr. Kerr—To authorize narrow gauge railroad companies to issue bonds	382, 412, 453, 524, 614, 658	658
383	Mr. Johnston—Defining the jurisdiction of the probate court in the county of Mahoning in minor criminal cases	383, 403, 473, 585	587
384	Mr. Kent—To amend an act entitled an act to authorize the city council of the city of Akron to levy a tax for cemetery purposes, passed March 19, 1877	382, 406, 409	410
385	Mr. Swan—To confer on cities and incorporated villages, having a population of less than twenty thousand inhabitants at the last federal census, power to restrain, regulate and prohibit the sale of intoxicating liquors where a school or college exists within the limits of such city or incorporated village	383, 412, 644, 656, 664	....
386	Mr. Monahan—To amend an act concerning divorces and alimony, passed March 11, 1853, (S. & C., p. 509)	383, 412	....
387	Mr. Lewis—For the relief of Katie Ann Urick, and others	386, 396, 403, 414, 423, 473, 491	491
388	Mr. Schenck—To amend section 70 of an act entitled an act to establish a code of civil procedure, passed March 11, 1853, as amended February 11, 1874, (O. L., vol., 71, p. 304)	386, 412, 526, 549	....
389	Mr. Brown of Ross—Supplementary to an act entitled an act authorizing the county commissioners of Ross county to build a county jail and issue bonds therefor, passed March 17, 1877	386, 412, 438, 673, 707	707
390	Mr. Bates—For the further protection of cemeteries in the State of Ohio	392, 412, 444, 447, 450, 456, 570, [524, 628	631
391	Mr. Kessler—To regulate the price of legal advestising	398, 412, 413, 423, 426, 433	....
392	Mr. Johnston—Authorizing the formation of partnership associations in which the capital subscribed shall alone be responsible for the debts of the associations, except under certain circumstances	398, 412	....
393	Mr. Burns—To amend an act therein named	402, 412	....
394	Mr. Rukenbrod—Prohibiting contracts for contingent fees by attorneys in certain actions for libel and slander	412, 432	....

SENATE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
395	Mr. Rukenbrod—To amend section 1 of an act entitled an act to establish a reform and industrial school for girls, passed May 5, 1869, (O. L., vol. 66, p. 110)	412, 432, 446, 447, 448, 753	754
396	Mr. Andrews—Relating to certain proposed amendments to the constitution, and the publication of this act	413	....
397	Mr. Schenck—To authorize the creation of a special school district in East Cleveland township, Cuyahoga county, Ohio	[75 415, 447, 685, 693, 696, 732, 750	760
398	Mr. Andrews—Supplementary to an act to provide for the revision and consolidation of the statutes of Ohio, passed March 27, 1875	433, 452	....
399	Mr. Kessler—To authorize the incorporated village of Clifton, Hamilton county, to issue bonds and levy a tax for the purpose of buying water pipes	438, 453, 481, 490, 504, 731, 752	754
400	Mr. Ault—To create two election precincts in Salt Creek township, Wayne county.	438, 453, 483, 490, 545, 756	....
401	Mr. Kleinschmidt—Supplementary to an act to amend section 313 of the code of civil procedure, as amended April 13, 1874, passed March 23, 1875, (O. L., vol. 72, p. 77)	438, 453	....
402	Mr. Burrows—To amend sections 1, 2, and 3 and add sections 4, 5, 6 and 7 to an act to protect the citizens of Ohio from empiricism, and elevate the standing of the medical profession, passed May 5, and took effect October 1, 1868, (62 vol. S., 146)	452, 453, 493, 503, 546, 599	....
403	Mr. Owens—To authorize the city council of Newark and the county commissioners to unite in building a sewer in said city, and to provide the necessary funds therefor	453, 479, 490, 493, 631, 658	658
404	Mr. Bates—Supplementary to an act to provide for the better regulation of railroad companies, and to protect the rights of minority stockholders, passed April 30, 1869, (O. L., 66, p. 77.)	461, 494	....
405	Mr. Philson—To authorize the commissioners of Meigs county, Ohio, to levy a tax for improving the road leading from the city of Pomeroy to the village of Racine, in said county	470, 494, 510, 526, 549, 631, 657	658
406	Mr. Brown of Lucas—Supplementary to an act to authorize the incorporation of boards of trade and chambers of commerce	470, 525, 615, 657	658

SENATE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
407	Mr. Burns—To amend section 313 of the code of civil procedure as amended March 23, 1875	[650, 665, 673, 706 472, 494, 577, 585, 603, 629, 645,	707
408	Mr. Schenck—To authorize the commissioners of Cuyahoga county to borrow money on the bonds of the county to discharge the existing liabilities of said county	491, 502, 511, 563, 628, 630	631
409	Mr. Schenck—To authorize the board of water works trustees of the village of West Cleveland, Ohio, to issue bonds to the amount of eight thousand dollars	499, 502, 606, 612, 613, 730, 753	754
410	Mr. Burns—To authorize the trustees of Jefferson township, richland county, Ohio, to join with the council of the incorporated village of Belleville in the construction ot a town hall for the joint use of said township and village	509, 544, 554, 559, 588, 628, 630	631
411	Mr. Johnston—To authorize the trustees of Canfield township, Mahoning county, Ohio, to issue bonds for the purpose of repairing buildings, purchasing sites and erecting buildings thereon, and otherwise contributing to the establishment and support of a normal school in said township	[594, 610, 628, 630 509, 544, 553, 556, 560, 561, 571,	631
412	Mr. Monahan—To authorize the authorities of the city of Portsmouth to purchase certain territory and building thereon for certain purposes, and to issue bonds to pay for the same	[593, 598, 637 513, 544, 556, 560, 561, 576, 592,	637
413	Mr. Monahan—Providing for stay of executions on judgments	513, 544	....
414	Mr. Andrews—To annex territory to the Bluffton union school district, in Allen county, Ohio	512, 544, 559, 699	....
415	Mr. Kessler—To create gas works in the village of Clifton, Hamilton county, Ohio	528, 561	....
416	Mr. Curtiss—To amend an act to amend an act to provide for and regulate street railroad companies, passed February 19, 1870.	547, 561, 585, 643, 656, 664, 756	....
417	Mr. Rukenbrod—To require inn and boarding house keepers to provide suitable and efficient fire escapes	548, 561, 577, 585, 715, 753	754
418	Mr. Andrews—To authorize the transfer of certain funds therein named, now in the treasury of the city of Fremont, county of Sandusky, and State of Ohio	552, 574, 576, 602, 649, 688, 690	....
419	Mr. Andrews—To amend the fourth section of an act to protect more effectually the lives of railroad passengers from casualties by fire, passed May 4, 1869, (O. L., vol. 66, p. 94)	552, 564	....

SENATE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
420	Mr. Andrews—To create a separate school district, composed of section 7 and 18, in Spencer township, and sections 8 and 17, n Amanda township, in Allen county..	564, 567, 569, 585, 602, 631, 735, [753	754
421	Mr. Brown of Lucas—To authorize the city council of the city of South Toledo to issue bonds and borrow money for completing a certain road therein named.	627, 654, 681, 693, 696, 731, 753	754
422	Mr. Brown of Lucas—To authorize the board of public works to construct a drain or sewer under the Wabash and Erie canal, leading to the Maumee river, at Maumee, Lucas county.....	.....627, 654	....

HOUSE BILLS.

Number.	Author and Title.	Proceedings.	Signed.
46	Mr. Entrekin—To amend section one of an act passed March 27, 1875, (O. L., vol. 72, p. 85), entitled an act to amend section one of an act entitled an act to fix the rates of toll on turnpike and plank-road companies, passed March 16, 1875, (S. & S., p. 147)	174, 182, 231, 236, 600, 672, 713	233
48	Mr. Light—To amend section 53 of an act entitled an act for the reorganization and maintenance of common schools, passed May 1, 1873, (O. L. vol. 70, p. 195	23	....
49	Mr. West to provide for the payment of claims for damages growing out of the military expedition of John Morgan in the State of Ohio, A. D. 1863	10	....
78	Mr. Richards—To secure to children the benefits of an elementary education	[257, 262, 263, 264, 307, 331 53, 55, 102, 116, 130, 137, 149, 150	331
98	Mr. Barrett—For the protection of wool-growers and the confiscation of dogs	[678, 699, 742 241, 251, 307, 415, 426, 432, 677,	743
130	Mr. Brunner—Providing for printing and distributing the journals of the General Assembly, and the laws and public documents, and to repeal certain acts therein named	591, 601	....
176	Mr. Dempcy—For the protection of boarding house keepers and others	46, 47, 61, 67, 758, 759	....
189	Mr. Monahan—To amend section 48 of an act entitled an act to establish a code of civil procedure, passed May 11, 1853, (S. & C., Swan's revised statutes, p. 632), passed and took effect April 16, 1867, (64 vol. stat., p. 230; S. & S., p. 541)	24, 25, 116, 122, 136, 139	158
192	Mr. Duncan—Supplementary to an act passed February 18, 1848, entitled an act to amend an act fixing the rate of interest, passed January 12, 1844 (1821) (S. & C., p. 744)	46, 49	....
206	Mr. Money—To provide for the incorporation of merchants' associations	62, 65, 246, 255, 286	....
219	Mr. Bard—To amend section 2 of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869, passed February 10, 1870, O. L., vol. 67, p. 7), and to repeal an act to extend the provisions of said act of February 10, 1870, passed March 30, 1874, (O. L., vol. 71, p. 49)	[382, 749, 753 299, 317, 349, 360, 374, 375, 381,	754

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
222	Mr. Bowen to authorize the commissioners of Hocking county to transfer any balance of unexpended money raised for infirmary building purposes to county, bridge and poor fund	10, 44	45
226	Mr. Bohl—To amend sections 18, 19 and 20 of an act entitled an act for the reorganization and maintenance of common schools, (O. L., vol. 70, 1873, pp. 198-199), passed May 1, 1873	77, 83, 288	....
244	Mr. Hart—To authorize the creation of a special joint school district, composed of parts of Clay and Jackson townships, Knox county, Ohio	116, 123, 143, 153	157
247	Mr. Hodge—To extend the charters of societies for savings	26, 41, 49, 147, 153	157
252	Mr. West—To amend section one of an act entitled an act to provide for the publication of the number of horses, cattle, sheep, hogs, and other animals returnable for taxation, passed March 16, 1869, (O. L., vol. 66, p. 26)	348, 360, 409	410
258	Mr. Watson—To provide a ware-house, create the office of inspector of leaf tobacco, and regulate the inspection of tobacco	692, 708, 726, 741, 763	764
260	Mr. Groom—To amend section 12 of an act entitled an act for the punishment of certain offenses therein named, passed January 1, 1831, and took effect March 8, 1831, (S. & C., p. 429), and as amended February 21, 1873, (O. L., p. 39)	43, 55, 219, 251, 311	313
267	Mr. Baker of Berry—To amend sections 4 and 5 of an act to provide for the creation and regulation of co-operative trade associations in the State of Ohio, passed April 13, 1867	53, 55	....
274	Mr. Cowgill—To amend section 8 of an act entitled an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts, passed March 14, 1853, (S. & C., vol. 1, p. 771)	273, 278, 553	....
275	Mr. Sage—For the relief of Albert A. Selkirk, treasurer of Plain township, Wood county, Ohio	590, 601, 625, 641, 697	698
279	Mr. Thompson—To authorize the board of education of the incorporated village of Whitehouse, Lucas county, Ohio, to borrow money and issue bonds for building a school house in said village	161	....

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
293	Mr. Oglevee—To amend section two of an act to amend and supplementary to an act entitled an act to provide for the appointment of a commissioner of railroads and telegraphs, and to prescribe his duties, paised April 5, 1867, (64 O. L., p. 111), passed May 13, 1868, (65 O. L., p. 185)	169, 181, 223, 229, 232	233
298	Mr. Sherrick—To amend section four of an act relating to roads and highways, passed March 9, 1868, (S. & S., p. 66)	51, 67, 254, 273, 365	366
303	Mr. Fehrenbatch—To create a bureau of statistics of labor	8, 277, 286, 755, 760, 764	766
304	Mr. Bogardus—For the better protection of policy holders in life insurance companies	195, 212, 683, 693, 705, 736, 742	743
307	Mr. Sellards—To authorize the creation of a special school district in Bushcreek township, Scioto county	77, 83, 208, 211, 218, 226, 242	243
308	Mr. Ullery—To enable executors and administrators to obtain funds arising from sale of real estate in partition, to pay debts	52, 55, 553, 568, 620, 712	713
309	Mr. Carothers—To create a sub-division in Thompson township, Delaware county.	33, 44	45
320	Mr. Nigh—To regulate the traffic in the sale of scrap iron and old metals	43, 47, 61, 67, 68, 168, 194	195
334	Mr. McLain—Supplementary to the act entitled an act regulating descents and the distribution of personal estates, passed March 14, 1853, (S. & C., p. 501), and the various acts amendatory thereto	62, 65, 347, 351, 359, 434, 476	477
346	Mr. Carothers—To amend an act to fix the rate of interest	51	....
359	Mr. Wiltsee—To amend an act entitled an act to provide for the disposition of unclaimed freight and express packages, and to amend an act entitled an act to provide for the disposition of unclaimed freight and express packages passed April 16, 1867, passed January 26, 1875, (O. L., vol. 72, p. 17)	53, 55, 155, 213	214
364	Mr. Flaugher—To authorize the commissioners of Brown county, Ohio, to build and put in repair certain free turnpike roads named therein	43, 47, 67, 79	80
368	Mr. Sellards—To require marshals of cities of the second class to keep a record of all property that falls into their hands, and account for the same to the mayor	160, 162, 346, 353, 408	410

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
393	Mr. Hostetter—To amend section 11 of an act entitled an act to amend sections 1, 2, 4, 5 8, and 11, of an act entitled an act to authorize the county commissioners to construct roads on petition of a majority of the resident land owners along and adjacent to the line of said road, and to repeal an act therein named, passed March 29, 1867, passed March 31, 1868, (S. & S., p. 673), passed April 17, 1873, (70 vol. O. L., p. 135)	96, 113, 344, 371, 457	458
394	Mr. Barrett—To provide for the procurement of additional lands for cemetery purposes	62, 65, 282, 286, 287, 367, 331	335
403	Mr. Hodge—For the prevention of trespassing upon railway trains and consequent injuries to minors and other persons	454, 758, 763	764
409	Mr. Hostetter—To amend section 3 of an act further providing for converting toll roads into free roads, passed May 3, 1873, (O. L., p. 256)	77, 83, 281, 286, 404	366
410	Mr. Groom—To amend section 414 of chapter 30, of an act to provide for the organization and government of municipal corporations, passed May 7, 1869, (O. L., vol. 66, p. 149)	378, 396, 683, 693, 709	....
412	Mr. Bohl—To amend sections 243 and 244 of an act entitled an act to establish a code of civil procedure, passed March 11, 1853, (S. & C., vol. 2, p. 1017)	97, 113, 553	....
413	Mr. Dawson—To authorize the transfer of certain funds therein named, now in the county treasurer of Highland county	165	....
425	Mr. Bohl—To authorize the auditor of Washington county to refund taxes erroneously paid by F. Boyce	58, 65, 471, 503, 566	566
426	Mr. Bowen—To authorize the creation of a special school district in Goodhope township, Hocking county, Ohio	394, 410, 498, 548, 584, 586	587
429	Mr. Hodge—Empowering the council of any city of the first-class, with a population of less than 150,000 and greater than 90,000 inhabitants at the last federal census, to lease lands for park purposes, and for the improvement of the same	76, 79	80
439	Mr. Entrekin—To authorize the commissioners of Ross county to build a bridge across the Scioto river, and to levy a tax for that purpose	43, 47, 327, 352, 404	405
440	Mr. Fenton—To incorporate an association for the mutual protection of its members against loss by fire	42, 47, 290, 339, 404	405

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
441	Mr. Bowen—To enable the trustees of the church of the United Brethren in Christ, in Green township, Hocking county, Ohio, to sell and convey certain real estate	311, 323, 438, 478, 521	522
446	Mr. Tryon—To empower trustees of townships to purchase land containing stone or gravel, necessary for the improvement of public highways	19, 20, 684, 758, 767, 769	769
449	Mr. Smith of Licking—To authorize the auditor of Licking county, Ohio, to remit certain taxes on lot No. 166, in the village of Hebron, in said county	160, 162, 226, 252, 269, 311	313
450	Mr. Barnett—To authorize the trustees of Sharon township, Richland county, to transfer certain money therein named to the general fund of said township	74, 103	107
452	Mr. Lybarger—To authorize the commissioners of Coshocton county to transfer funds	47	766
456	Mr. Nigh—To establish and maintain a school of mines and mine engineering in the Ohio Agricultural and Mechanical College	705, 709, 727, 743 764, 765	766
459	Mr. Stone—To authorize the commissioners of the several counties in this State, through which the Western Reserve and Maumee road passes, to take take under their care and control so much of said road as lies within the limits of such counties respectively	241, 262, 605, 694, 758	....
465	Mr. Entrekin—For the relief of E. J. Nuckolds, treasurer of Paint township, Ross county, Ohio	52, 55, 80, 86, 99, 117, 140	140
470	Mr. Converse—To facilitate the administration of justice in the third subdivision of the fifth judicial district of the State of Ohio	10, 11, 31, 141	
471	Mr. Hitchcock—Prescribing the rate of State taxes, and to repeal an act therein named	12, 14	....
473	Mr. Wiltsee—To authorize compensation to be paid members of boards of equalization and their assistants	14, 17, 32	35
475	Mr. Hodge—An act in relation to the codified ordinances of certain cities—publication unnecessary	10, 11, 44	45
476	Mr. Hart—To authorize the transfer of certain funds therein named, now in the treasury of the city of Mt. Vernon, Knox county, Ohio	53, 55, 78	78
477	Mr. Goeble—Relating to the forfeiture of life insurance policies	197, 212	....

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
478	Mr. Hostetter—Supplementary to the act entitled an act to authorize county commissioners to construct roads on petition of a majority of the resident land-owners along and adjacent to the line of said road, passed March 29, 1867, and amended by subsequent acts	366, 370, 565, 585, 611, 619, 652	653
479	Mr. Inman—To authorize the removal of drift timber and other obstructions from the natural channel of streams, and to protect lands from overflow	54, 54, 102, 130, 146, 194, 195	....
480	Mr. Bohl—To divide Aurelius township, Washington county, into two election precincts	69, 78, 124, 139, 158	....
482	Mr. Bowen—To authorize the commissioners of Athens county to transfer certain funds from the railroad fund to the general fund	14, 16. 19, 44	45
484	Mr. Sorter—To prevent the spread of Canada thistles	564, 567, 577, 621, 662	663
485	Mr. McLain—Making appropriations for deficiencies, and partial appropriations for the year 1877	19, 20, 27, 28, 34	34
487	Mr. Bogardus—To amend an act entitled an act to protect certain birds and game, and to protect land owners and punish trespassing upon improved or inclosed land, and to repeal certain statutes therein, passed April 11, 1876, (O. L., vol. 73, p. 216)	208	....
488	Mr. Oglevee—To amend section one of an act entitled an act for the establishment, support, and regulation of children's homes in the several counties and district children's homes in this State, and to repeal certain acts therein named, passed and took effect March 22, 1876, (O. L., vol. 73, p. 64)	83, 86, 100, 113, 117, 140	140
489	Mr. Carson—To amend an act entitled an act to establish a uniform standard of weights and measures, passed March 21, 1873, (S. & S., p. 926), passed February 21, 1873, (O. L., vol. 70, p. 39), and as amended March 10, 1876, (O. L., vol. 73, p. 22)	96, 113, 217, 232	233
491	Mr. Howland—To amend section 53 of the act defining the civil jurisdiction of justices of the peace, (S. & C., p. 780)	62, 65, 246, 284	315
496	Mr. Sherrick—To provide for the equalization of the valuation of bank shares for taxation, and to repeal an act therein named	367, 370, 424, 437, 489	490

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
497	Mr. Cowgill—To amend section 28, of an act to more effectually provide for locating, establishing, and constructing ditches, drains, and water-courses in townships, and to repeal certain acts therein named.	54, 55, 219, 351, 284	315
498	Mr. Raudabaugh—To amend section 2 of an act to authorize and require the board of public works to ascertain and locate all lands belonging to the State, which lie at or near the public works of the State, with a proper description of the same, and also providing for the appraisement and sale of the same, passed April 29, 1872.	76, 83' 174, 182, 183, 202, 223, 242	243
499	Mr. Neal—To authorize the city council of the city of Hamilton to transfer certain funds.	77, 83, 134, 753	743
500	Mr. Inman—To authorize the filling of vacancies in the boards of trustees of townships.	97, 113, 155, 156, 168, 213	214
502	Mr. Beach—To amend section 3 of an act entitled an act to authorize the commissioners of the several counties in this State through which the national road passes, to take under their care and control so much of the said road as lies within the limit of such counties respectively, passed April 6, 1876, and took effect May 15, 1876, (O. L., vol. 73, p. 105).	96, 112, 171, 182, 275, 307, 365	366
510	Mr. Inman—To aid the board of public works to build a bridge on the Western Reserve and Maumee road, over the Sandusky river.	144, 146, 174, 189, 229	233
511	Mr. Tryon—To authorize the county commissioners of Lake county to remunerate W. P. Rice for loss sustained by breaking through a bridge.	93, 112, 163, 179, 180, 213	214
512	Mr. Sellards—To secure laborers their wages.	691, 707, 726, 741	....
513	Mr. Bogardus—To authorize the trustees of the township or New London, in the county of Huron, and State of Ohio, to issue bonds for the payment of its debt incurred in building a town hall.	97, 113, 131, 139	140
514	Mr. Rambo–To authorize the votes of stockholders of certain incorporated companies to be cast by proxy (72 O. L., p. 39).	224, 288, 302, 400, 457	458
520	Mr. Watson—To authorize the trustees of Bethel township, Monroe county, Ohio, to levy a tax to pay a bounty to a volunteer.	115, 118, 142, 213	214
521	Mr. Wiltsee—For the relief of ex-overseers of the poor in certain cities of the first-class.	523, 544, 604, 623, 636	637

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
524	Mr. Dirr—To amend sections 690, 691, and 692 of an act to provide for the organization and government of municipal corporations, passed May 7, 1869	64, 78, 164, 180, 205, 242	243
528	Mr. Hitchcock—For the relief of William Hodkinson, treasurer of Parkman township, Geauga county, Ohio	53, 55, 102, 116, 139	158
529	Mr. Sellards—To amend section one of an act amendatory of an act entitled an act to provide for the safety of persons attending public assemblies, passed April 13, 1865, as amended May 12, 1868, (S. & S., p. 635)	198, 212, 281, 404	366
531	Mr. Hodge—To further provide for the taking of security by justices of the peace and ministerial officers	736	....
532	Mr. Baker of Perry—To amend an act for the relief of Chas. W. Morehead and J. M. Bradduk, bondsmen of John A. Spencer, late treasurer of the incorporated village of Somerset, Perry county, Ohio	65, 158, 213	214
538	Mr. Stryker—Eo provide for the relief of the estate of Stephen Mills	58, 367, 370, 432, 432, 501	513
540	Mr. Cowgill—To amend section 24 of an act entitled an act for the relief of the poor, and to repeal certain acts therein named, passed April 12, 1876, (O. L., vol. 73, p. 232)	115, 117, 169, 213	214
531	Mr. Blake—To amend an act passed May 1, 1861, entitled an act to provide for the creation and regulation of township agricultural societies	115, 117, 159, 162, 194	195
542	Mr. Lybarger—To authorize the town council of the incorporated vlllage of Coshocton to erect a town hall	43, 61, 68	78
543	Mr. Faxon—To authorize the creation of a special school district in Pittsfield township, Lorain county, Ohio	214, 233, 292, 319, 331	335
544	Mr. Johnson—For the relief of John Mizer and his sureties	[183, 190, 229, 232 54, 55, 74, 126, 146, 153, 162,	233
545	Mr. Dawson—To provide for the use of plats, profiles, and surveys in preliminary proceedings for road improvements	160, 162, 576, 621, 627, 639, 662	663
546	Mr. Beach to provide for the better protection of society from small pox	330, 338, 456, 468	....
547	Mr. Monahan—To amend an act entitled an act to regulate the election of State and county officers, passed May 3, 1852, (50 vol. stat. 311), and to amend an act entitled an act to preserve the puriiy of elections, passed March 20, 1841, (39 vol. stat. 13), and to further preserve the purity of elections	78	....

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
548	Mr. Dow—To amend section 11 of an act entitled an act authorizing and regulating arbitrations, passed February 17, 1831, (S. & C., p. 89)	115, 117, 344, 371, 457	458
549	Mr. Entrekin—To amend section one of an act entitled an act to provide for the execution and supervision of the State printing and binding, passed and took effect March 24, 1860	97, 349, 360, 409	410
554	Mr. Hodge—Supplementary to the act for the establishment, support, and regulation of children's homes in the several counties and children's homes districts in this State, and to repeal certain acts therein named, passed March 22, 1876, (O. L., vol. 73, p. 64)	357, 370, 471, 477, 502, 524, [585 583	587
555	Mr. Faxon—To authorize the transfer of certain funds of the village of Oberlin	97, 113, 143, 194	195
557	Mr. Barrett—For the prevention and cure of diseased animals	271, 278, 404, 426, 428, 502	513
560	Mr. Wiltsee—To create a special school district in Sycamore township, Hamilton county, Ohio	378, 396, 444, 467, 501	513
561	Mr. Dalzell—To authorize the commissioners of Noble county to transfer money from the bounty and relief funds of said county to other funds of said county	115, 118, 131, 139	140
565	Mr. Neal—To authorize the auditor of Butler county, Ohio, to pay a claim named therein	314, 344, 424, 475	476
566	Mr. Sage—Supplementary to an act entitled an act to provide for the straightening, clearing out, wiedening deepening and otherwise improving certain ditches, drains and water courses in Wood county, Ohio, passed April 11, 1876	316, 324, 440, 448, 521	522
567	Mr. Sellards—To amend section 2 of an act entitled an act to authorize the commissioners of Scioto county to borrow money on the bonds of the county, to discharge the existing liabilities of said county, now in the shape of turnpike floating orders	199, 213, 276, 279, 280, 365	366
569	Mr. Neal—Supplementary to an act entitled an act to authorize the city council of the city of Hamilton to fill up a part of the canal basin in said city, passed April 27, 1872, (vol. 69, O. L., p. 271), and an act supplementary to said act, passed April 6, 1876, (vol. 73, O. L., p. 275)	314, 324, 482, 545, 583, 585	585

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
570	Mr. Quinby—To authorize the village council of the incorporated village of Wilmington, Clinton county, Ohio, to raise money to build a town hall and engine house	132, 138, 261, 274, 311	317
571	Mr. Burckhardt—To amend section eight of an act entitled an act to provide for the proof, acknowledgment, and recording of deeds and other instruments of writing, passed February 22, 1831, (S. & C., p. 467	699, 708, 725, 739	....
574	Mr. Goebel—To create the office of court interpreter in certain judicial districts	[404 128, 138, 291, 294, 319, 342, 367,	405
575	Mr. Dow—To amend section 552 of an act entitled an act to establish a code of civil procedure, passed March 11, 1853, (S. & C., p. 1117)	19, 199, 213	....
576	Mr. Stone—To amend section 52 of an act entitled an act for the reorganization and maintenance of common schools, passed May 1, 1873	316, 324, 624, 638	....
577	Mr. Meuses—For the relief of Ellis Davis and the sureties on his official bond	93, 208, 234, 269, 306, 640, 753	743
579	Mr. Carothers—To authorize the board of county commissioners of Delaware county to levy a tax for the purpose of building a county jail in said couty	151, 276, 278, 279, 307, 311	312
580	Mr. Neal—To amend section 566 of an act entitled an act to establish a code of civil procedure, passed May 11, 1853, (S. & C., 1123)	378, 396	....
581	Mr. Entrekin—Authorizing the county commissioners of Ross county to build a county jail, and to issue bonds therefor	[313 115, 118, 226, 253, 264, 265, 311,	311
584	Mr. Krimmel—To authorize the commissioners of Pickaway county, Ohio, to build a bridge across the Scioto river at or near Mackey's ford, in said county, and to levy a tax for that purpose	402, 411, 571, 615	616
586	Mr. Davies—Prescribing the rate of taxation for county bridge, road an township purposes, and to repeal certain acts therein named	[468, 484. 488, 506, 518 273, 278, 404, 422, 425, 429, 430,	518
587	Mr. Barrett—Relative to the payment of certain bonds of the city of Xenia	128, 138, 165, 213	214
588	Mr. Luccock—To provide for the incorporation of farm laborers' associations	[764, 765 129, 138, 288, 318, 446, 688· 701.	766
589	Mr. Parkins—To enable the trustees of Litchfield township to carry out the provisions of an act entitled an act to provide for a park at the center of Litchfield, in Medina county, Ohio, passed and took effect March 30, 1875	137, 146, 164, 213	214
594	Mr. Sellards—To authorize the commissioners of Scioto county to purchase toll road and levy tax to pay for same	418, 425, 472, 503, 565	566

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
595	Mr. Wiltsee—To authorize the board of county commissioners to extend Mitchell Avenue under the Miami and Erie canal, and to levy a tax to defray the expenses thereof	510. 513, 604, 612, 622, 639, 647	647
596	Mr. Wiltsee—To amend an act creating the office of county surveyor, passed March 3, 1831	402, 411	....
597	Mr. Oglevee—To amend section 436 of the code of civil procedure, as passed March 11, 1853, took effect June 1, 1853, (51 vol. statutes 57),as amended and took effect June 6, 1859, (56, p. 242; Swan & Critchfield, p. 1074)	199, 212, 415, 431, 432, 599, 771	....
599	Mr. Dalzell—To refund the interest paid by James Eakin, ex-commissioner of Noble county, Ohio, on moneys borrowed for use of said county	132, 138, 225, 242	243
600	Mr. Converse—To authorize the city council of the city of Columbus to levy a tax to build a police station	132, 138, 280, 311	312
601	Mr. Raudabaugh—To authorize the sale of certain lands therein described	177, 245, 284	315
604	Mr. Garwood—To authorize the trustees of Paris township, Union county, Ohio, to join with the council of the incorporated village of Marysville, Ohio, in the purchase of grounds for cemetery purposes, and to levy a tax, issue bonds, and to borrow money to pay therefor	132, 138, 345, 352, 408	410
606	Mr. Duncan—To authorize the town council of the incorporated village of Mt. Gilead to levy additional taxes to complete a town hall	128, 138, 163, 179, 180, 213	214
607	Mr. Quinby, from committee on Codification and Revision of the Statutes—To amend, revise, and consolidate the statutes relating to crimes and offenses, and to repeal certain acts	[581, 582, 598, 599, 650, 678, 243, 251, 548, 564, 578, 579, 680, [679, 744	744
608	Mr. Holloway—To amend an act entitled an act to regulate the Ohio Soldiers' and Sailors' Orphans' Home, located at Xenia, and to repeal certain acts therein named, passed March 14, 1876, (O. L., vol 73, p. 26)	520, 543, 562, 569, 615	616
615	Mr. Meuser—To provide for the payment of a town hall in Polk township, Crawfor county, Ohio	161, 162, 402, 421, 434, 475	476
617	Mr. Sherrick—To amend section 20 of an act entitled an act for the relief of the poor, and to repeal certain acts therein named, passed April 12, 1876, (O. L., vol. 73, p. 233)	168, 170, 192, 201, 223, 242	243

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
622	Mr. Eylar—To amend the time of paying the assessments upon the Rome and Mineral Springs free turnpike road, and to provide for a refunding of such bonds issued for the construction thereof as may be due and outstanding on the 20th day of June, 1877	.....317, 324, 410, 422, 521	522
625	Mr. Duncan—To authorize the trustees of Canaan township, Morrow county, Ohio, to borrow money to enlarge and improve cemetery grounds	.....330, 338, 430, 447, 476	477
627	Mr. Carson—To authorize the creation of a special school district in the township of Dinsmore, Shelby county, Ohio	.....221, 222, 246, 273, 311, 317	....
628	Mr. Oglevee—Prescribing the fees of county auditors	315, 324, 481, 490, 505, 524, 584, [586	587
629	Mr. Messer—To extend the time for the payment of school lands in section 16, in Waterville township, Lucas county, Ohio	.....273, 278, 361, 384, 457	458
630	Mr. Hoagland—To authorize the county commissioners of Holmes county to build a jail and sheriff's residence	.....160, 161, 206, 229	....
631	Mr. Wales—To authorize the council of the incorporated village of Lebanon, Warren county, Ohio, to contract for the building of, and to build, a public hall, corporation prison and corporation offices connected therewith, as provided for by the resolutions and ordinances passed by the council of said village, and to execute, issue, and sell the bonds authorized to be executed, issued and sold, by an ordinance of said village, passed January 18, 1875	.....312, 322. 348, 359, 408	410
633	Mr. Hostetter—To amend section 7 of an act to authorize the county commissioners to construct roads on petition of a majority of resident land-owners along and adjacent to the line of said road, and to repeal an act named therein, as passed March 29, 1867, (O. L., vol. 64. p. 83), as amended April 11, 1876, (O. L., vol. 73, p. 158)	.....330, 338, 565, 613, 658	659
634	Mr. Blake—To provide for the payment of the contractors for construction of the stone masonry, cut stone and brick work of the Columbus hospital for insane	.....241, 251, 290, 294, 300	300
639	Mr. Stryker—For the better security of head contractors, sub-contractors and material men, and to repeal certain acts therein named	474, 495, 679, 693, 700, 705, 718	718
641	Mr. Cowgill—To amend section one of an act supplementary to an act to provide for the division of townships into election precincts, passed March 14, 1853, passed April 12 1858, (S. & C., p. 1575)	.....356, 370, 480, 505	....

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
642	Mr. Stryker—To provide for the erection of a bridge over Mill Creek, at Liberty street, in Hamilton county	620, 632, 645, 675, 712	713
644	Mr. Nigh—To authorize the board of education of Perry township, Lawrence county, to levy a tax to pay the indebtedness of said township, incurred in the erection of school houses	197, 289, 318, 319, 370, 405	405
645	Mr. Groom—To amend section 554 of an act to provide for the organization and government of municipal corporations, passed May 7, 1869, (O. L., vol. 66, p. 149)	378, 396, 682, 693, 704	....
646	Mr. Groom—To amend the act entitled an act to authorize the county commissioners to purchase portions of turnpikes, passed April 11, 1876, (O. L., vol. 73, p. 220)	215, 222, 248, 311	312
647	Mr. Lybarger—To authorize the election of one additional judge of the court of common pleas in the third subdivision of the sixth judicial district of the State of Ohio	198, 212, 234, 552, 585, 593, 614	615
650	Mr. Dalzell—For the relief of Henry Ahrendts, treasurer of Jefferson township, Noble county	196, 212, 361, 371, 384, 427, 457	458
651	Mr. Garwood—To authorize the town council of the incorporated village of Marysville, Union county, to transfer certain funds from the cemetery fund to the street fund	216, 222, 361, 383, 457	458
654	Mr. Kemp—To amend section 9 of an act entitled an act to amend sections 24, 29, 39, 40, 41, 42, 44 and 45, of an act entitled an act for the assessment and taxation of property in this State, and for levying taxes thereon according to its true value in money, as amended April 7, 1863, passed and took effect may 8, 1868	641, 654, 680, 693, 701, 718, 736	719
655	Mr. Converse—Creating a special school district in Crane township, Wyandot county, Ohio, and to authorize the board of education to build a school house therein	311, 232, 390, 396, 400, 401, [427, 437 425,	428
657	Mr. Zumstein—Amendatory of an act entitled an act to authorize the commissioners of Hamilton and Clermont counties to build a bridge over the Little Miami River, (O. L., vol. 73, p. 286)	216, 222, 276, 285, 341, 404	405
658	Mr. Tryon—To authorize the trustees of Perry township, Lake county, to transfer the sum of seven hundred dollars, surplus building fund, to the road and township fund	160, 162, 225, 242	243

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
659	Mr. Monahan—To authorize the council of Nelsonville to transfer certain funds....	.....199, 213. 260, 261, 273, 311	312
661	Mr. Nigh—For the relief of Mears, Olhaber & Co.....	.....312, 323	....
663	Mr. Huberich—To amend section 661 of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869, and took effect July 1, 1869, (O. L., vol. 66, p. 261).....	[306, 365 161, 162, 245, 252, 259, 260, 268, [719, 747	366
664	Mr. McLain—Making appropriation for the fiscal year 1877, and the first quarter of the fiscal year 1878.....	[651. 665, 674, 695, 703, 704, [514, 515, 516, 609, 610, 623, [487, 503, 507, 508, 509, 513, 197, 321, 325 463, 464, 465, 474,	748
665	Mr. Wiltsee—To provide for the cleaning of sewers, catch-basins, avenues, streets, alleys, market places, wharves, etc., in cities of the first-class having a population of more than 150,000 at the last Federal census.....	.....359, 369, 470, 502, 566	567
667	Mr. Stryker—To authorize certain cities of the first-class to purchase gas works, to issue bonds to pay therefor, and to lease the same; to limit city councils in regulating the price of gas, for a term of years, or any extension or renewal thereof, and supplementary to the act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and repealing section 30 of said act, and repealing section 1 of an act supplementary to an act entitled an act to amend an act to provide for the organization of cities and incorporated villages, passed April 5, 1854.....	.....177, 179, 220, 229, 241, 242	243
668	Mr. Huberich—To amend an act entitled an act to authorize the common councils of certain cities of the first-class to issue water works bonds, passed April 11, 1876, (O. L., vol. 73, 217).....	[697 316, 324, 389, 624, 629, 635, 648,	698
669	Mr. Huberich—To repeal an act entitled an act to authorize the issuing of floating debt bonds in cities of the first-class having a population of less than 1,000 passed April 18, 1847, (O. L., vol. 71, p. 94).....	.....316, 324, 623, 676, 712	713
670	Mr. Huberich—To facilitate the administration of justice in Lucas county, Ohio.....	.....688, 693, 723, 733	....
672	Mr. Scheble—Supplementary to an act to provide for the settlement of the estates of deceased persons, passed March 23, 1840.....	.....330, 338, 414, 431, 501	513

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
673	Mr. Raudabaugh—To provide for the collection of delinquent personal taxes....	.....271, 278, 625, 640, 697	698
675	Mr. McCoy—For the relief of the official sureties of Jacob B. Koch and John R. Helman, late treasurers of Wayne county, Ohio.....	241, 251, 302, 305, 306, 329, 331	831
676	Mr. Hostetter—Supplementary to the act passed March 29, 1867, (64 vol., p. 80, S. & S., 671), entitled an act to authorize the county commissioners to construct roads on the petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named, and the acts amendatory and supplemental thereto.....	[712 314, 323, 440, 448, 641, 642, 670,	713
678	Mr. Sage—To create two election precincts in plain township, Wood county.....	.....330, 338 386 457	458
681	Mr. Dow—To authorize the council of the incorporated village of Bellefontaine to transfer the sum of three hundred dollars from the street fund of said village to the police fund.....	.....197, 212, 276, 279, 365	365
682	Mr. West—To authorize the building of a public hall in Milford precinct of Miami township, Clermont county, Ohio.....	[559, 589, 747, 759 313, 316, 323, 443, 510, 528, 548,	760
683	Mr. Hodge—Regarding the maintenance and repair of streets, alleys, etc., in cities of the first-class having a population of more than 90,000 and less than 150,000 at the last Federal census.....	.....299, 317, 511, 565	567
685	Mr. Groom—To create a special school district in special school districts numbers 6 and 7, in Norwich township, Franklin county, Ohio, and school districts numbers 4 and 5, in Brown town-township, in said county, and school district number 2 in Prairie township, in said county.....	.....402, 411, 493, 549, 566	566
687	Mr. Myers—Authorizing the trustees of Orange township, Ashland county, Ohio, to transfer certain funds therein named, to the general fund of said township....	.....196, 212, 444, 450, 476	477
688	Mr. Nigh—To authorize the commissioners of Lawrence county, to fund the infirmary debt and to levy a tax to liquidate the same.....	.....231, 239, 399, 457	458
689	Mr. Thresher—To authorize the city of Dayton to build and maintain stationary bridges across the Mad river feeder of Miami and Erie canal.....	....461, 463, 562, 569, 591, 615	616
690	Mr. Bard—For the relief of Thomas Gilpin.....	.....316, 325, 431, 454, 504, 542	543

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
691	Mr. Converse—To authorize the commissioners of Franklin county to levy a tax for making a turnpike road from High street, in the city of Columbus, along Green Lawn auenue road, as established, to the terminus, of said road in the old Chillicothe road	.....497, 500, 556. 568, 615	616
692	Mr. Stone—To refund to John F. Robinson, treasurer of Morgan township, Gallia county, certain money stolen from him	.....330, 338, 442, 449, 476	477
693	Mr. Sellards—To amend section 30 of an act entitled an act for opening and regulating roads and highways, passed January 27, 1853, (S. & C., 1296); as amended March 4, 1865, (S. & S., 692, vol. 62, p. 35)	364, 368, 392, 402, 430, 473, 489	490
694	Mr. Dempcy—To amend section 62 of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869, (O. L., vol. 66, p. —), as amended April 4, 1872, (O. L., vol. 69, p. 64)	.....314, 324, 344, 352, 409	410
695	Mr. Howland—Supplementary to an act entitled an act to provide for the appointment of guardians for imbeciles, passed April 27, 1872, (69 vol. O. L., p. 174)	.....461, 463	....
697	Mr. Holloway—To amend section 7 of an act entitled an act to provide for laying out and constructing a road from Liverpool, in Columbiana county, to Warren, in the county of Trumbull, passed Feb ruary 21, 1824, (O. L., vol. 22, p. 80)	.....316, 324. 761	....
698	Mr. Boyce—Authorizing county commissioners to offer a reward for the detection of horse thieves	....309, 323, 444. 453, 504, 566	566
700	Mr. Neal—To allow certain cities of the second-class to purchase or erect gas works	.....699, 708, 746. 762, 764	766
703	Mr. Breck—To give certain power to establish turnpikes or plank roads in Brooklyn village, Cuyahoga county	.....316, 324, 424	....
704	Mr. Cleaver—To create two separate election precincts in Flushing township, Belmont county	.....314, 324, 458, 489	490
705	Mr. Barrett—To amend sections 1, 2 and 3 of an act entitled an act requiring township assessors to ascertain the number of sheep killed and injured by dogs, (S. & C., p. 87)	.....461, 463, 472, 482, 501	513
707	Mr. Wiltsee—To amend section two of an act entitled an act to protect more effectually the lives of railroad passengers from casualties by fire, passed May 4, 1869, (O. L., vol. 66, p. 95	.....718, 729, 764, 765	766

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
709	Mr. Toberen—Requiring the auditor of Defiance county to refund certain taxes improperly collected	367, 370, 624, 642, 712	713
711	Mr. Rambo—To change the subdivision of the eighth judicial district, and to provide for the election of one additional judge of the court of common pleas therein	751, 757	....
714	Mr. Oglevee—Supplementary to an act to more effectually provide for locating, establishing, and constructing ditches, drains, and water-courses in townships, and to repeal certain acts therein named, passed April 18, 1874, (O. L., vol. 71, p. 124)	646, 654, 685, 721, 767, 768	769
715	Mr. Luccock—To authorize the creation of a special school district in Jefferson township, Guernsey county, Ohio	394, 411, 443, 450, 501	513
716	Mr. Thresher—To amend an act entitled an act supplementary to an act entitled an act regulating the mode of administering assignments in trust for the benefit of creditors, passed April 6, 1859, passed March 31, 1876, (O. L., vol. 73, p. 101)	358, 369, 455, 467, 502, 524, 584, [585	587
722	Mr. McLain—To authorize the transfer of certain funds now in the treasury of the city of Warren, Trumbull county	242, 251, 282, 331	335
724	Mr. Thresher—To amend the second section of the act entitled an act requiring compensation for causing death by wrongful act, neglect, or default, passed March 25, 1851, (S. & C., p. 1139)	358, 369	....
725	Mr. Hostetter—To provide for the straightening, clearing out, widening, deepening and otherwise improving Stillwater ditch and creek, also its tributaries in Darke county, Ohio	358, 369, 440, 448, 502	522
726	Mr. Hostetter—To authorize the county commissioners of Darke county, to levy a tax to pay off an existing indebtedness of the Darke county agricultural society	358, 369, 424, 437, 465, 489	490
727	Mr. Blake—To authorize the transfer of certain funds in the village of Garretsville, Portage county, Ohio	314, 324, 345, 353, 404	405
728	Mr. Duncan—Supplementary and amendatory of the act entitled an act to amend sections 2, 4 and 24 of an act entitled an act to preserve the purity of elections	518, 544, 705, 709, 710, 749, 767, [769	769
729	Mr. Myers—Defining the jurisdiction of the probate court of Ashland county, in criminal cases	356, 370, 403, 45	458

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
730	Mr. Monahan—To authorize the levy of taxes to rebuild or make repairs to county infirmary, or children's home buildings, when loss by fire or other casualty is sustained	.394, 398, 411, 414, 427	428
731	Mr. Haley—To amend section second of an act entitled an act to authorize county commissioners to locate and construct turnpike roads, passed April 30, 1869	.316, 443, 450, 620, 658	659
733	Mr. Lybarger—To authorize the council of the incorporated village of Coshocton to transfer certain funds therein named to the cemetery fund of said village	.314, 324, 345, 353, 405	405
734	Mr. Wiltsee—To amend section 3 of an act entitled an act to provide for the safety of persons attending public assemblies, passed April 13, 1865, (S. & S., p. 636)	.592, 601, 726, 740	....
735	Mr. Bogardus—To locate a special school district in the townships of Greenwich and Ripley, Huron county, Ohio	.359, 369, 443, 466, 489	490
736	Mr. Swaim—To fix the time of holding an additional term of the district court in Vinton county	.402, 411, 424, 437, 476	477
737	Mr. Sheets—Supplementary to an act entitled an act to authorize the trustees of Findlay township, Hancock county, O., to levy a tax to macadamize and improve the roads and highways in said township, passed April 7, 1876, (vol. 73, p. 283)	.316, 325, 391, 402, 456	458
739	Mr. Bohl—To make silver coin a legal-tender in the State of Ohio	...594, 611	....
741	Mr. Faxon—To authorize the trustees of Ridgeville township, Lorain county, O., to levy a tax to construct a vault or receptacle for the dead	.367, 370, 390, 400, 408	409
743	Mr. McLain—To create a special sohool district in Mesopotamia township, Trumbull county	.588, 601, 626, 656, 715	716
744	Mr. Ullery—To authorize the commissioners of Miami county to levy a tax on certain townships and incorporated villages in said county for the payment of certain indebtedness	.358, 369, 560, 583, 586	587
745	Mr. Scheble—To change the time of holding the next term of the court of common pleas in Paulding county	...365, 368, 376, 457	458
746	Mr. Messer—Supplementary to an act entitled an act for the incorporation of townships, passed March 16, 1853	.474, 495, 526, 550, 586	587
749	Mr. Seifert—To provide for surveying, platting, and recording certain lands in this State	(50, 657	....

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
750	Mr. Seifert—To authorize the board of public works to construct a culvert under the Hocking Valley canal, near Lancaster, Fairfield county	[585 435, 447, 480, 490, 504, 524, 584,	587
752	Mr. Cole—Authorizing the board of education of Geneva special school district, Ottawa county, to levy a tax to pay judgment	365, 369, 423, 437, 502	522
753	Mr. Wales—To authorize railway companies to issue preferred stock	673, 693, 727, 732, 737, 747, 749	748
754	Mr. Bundy—To amend an act entitled an act to authorize the trustees of townships to appropriate lands for cemetery purposes, passed and took effect April 3, 1867, (S. & S., p. 912)	357, 370, 462, 468, 489	490
756	Mr. Breck—To authorize the council of the incorporated village of Berea, Cuyahoga county, State of Ohio, to transfer money from the general fund to the road fund, and for other purposes	498, 501, 527, 548, 584, 585	587
757	Mr. Wales—For the relief of William Vandoren, treasurer of Washington township, Warren county, Ohio	357, 369, 440, 447, 449, 523, 565	566
758	Mr. Eylar—To amend section one of an act to authorize county commissioners to locate and construct turnpike roads, passed April 30, 1869, (O. L., vol. 66, p. 62)	692, 708, 726, 740, 741, 755, 763	764
759	Mr. Norton—To authorize the council of the incorporated village of Fostoria, in Seneca county, to borrow money to purchase a steam fire-engine	365, 368, 391, 396, 401, 417, 476	477
760	Mr. McLain—To authorize the trustees of Fowler township, Trumbull county, to transfer money therein named, to general township fund	309, 323, 326, 404	366
761	Mr. Sage—To divide the township of Perry, Wood county, Ohio, into two election precincts	394, 411, 483, 545	....
763	Mr. Holloway—To amend section one of an act entitled an act providing for the erection of new buildings at the Ohio penitentiary, and making partial appropriations for said institution for the year 1875, passed February 4, 1875 (O. L., vol. 72, p. 26)	518, 543, 745, 764, 765	766
764	Mr. Fenton—To repeal an act entitled an act to incorporate school district Number one, in York and Clinton townships, Fulton county, (O. L., vol. 49, p. 571)	394, 410, 455, 495, 566	566

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
765	Mr. Haley—To repeal section six of an act entitled an act supplementary to an act entitled an act for the assessment and taxation of property in this State, and for levying taxes thereon according to its true value in money, passed and took effect May 1, 1862	630, 670, 692, 724, 738, 767, 768	769
766	Mr. Quinby—To amend, revise and consolidate the statutes relating to criminal procedure	[597, 604, 744 460, 463, 498, 548, 576, 577, 596,	744
768	Mr. Beach—To secure pay to persons performing labor or furnishing materials in constructing turnpikes or improved roads	473, 494, 626, 629, 661, 662, 666	....
769	Mr. Sellards—To authorize the creation of a specials chool district in Harrison township, Scioto county, Ohio	.....499, 501, 527, 551, 583, 586	587
770	Mr. Scheble—To amend an act entitled an act to amend an act entitled an act to enable the common council of any city or incorporated village in this State having a population of twenty-five hundred inhabitants, or more, through which any of the canals of this State may run, or for the board of county commissioners of the county in which such city or incorporated village may be situate, to construct and maintain for public use, a swing bridge, or self-closing bridge, on any highway where the same crosses such canal within the territory of said city or incorporated village, passed April 16, 1874, (O. L., vol. 71, p. 84), passed March 29, 1875, (O. L., vol. 72, p. 110.	.....357, 369, 386, 398, 457	458
771	Mr. Boyce—To authorize the commissioners of Columbiana county, Ohio, to repair West Point and Hanover road	.....394, 411, 443, 450, 475	476
772	Mr. Breck—To authorize the trustees of Middleburg township, Cuyahoga county, to levy a tax for certain purposes mentioned therein	.....356, 370, 570, 620, 697	698
774	Mr. Richards—Supplementary to an act to create a special school district in Mentor township, Lake county, Ohio (Laws of Ohio, vol. 73, p. 297)	.....524, 543, 645, 675, 712	713
776	Mr. Ullery—To amend an act entitled an act to amend an act entitled an act to enroll the militia of Ohio, to organize the volunteer militia, and to repeal certain acts therein named, passed April 2, 1866, and to repeal certain acts therein named, passed April 11, 1876	543, 560, 642, 676, 677, 700, 763	764
777	Mr. Huberich—To amend section 56 of an act entitled an act for the reorganization of school districts, passed and took effect May 1, 1873. O. L., vol. 70, page 211	.....358, 451, 503, 566	567

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
778	Mr. Barclay—To amend sections 1, 2, 3, 4 and 7 of an act to regulate the sale of mineral oils and other substances for illuminating purposes, and to repeal certain enactments therein named, passed April 16, 1867, (S. & S., 402), and as amended April 27, 1872, (vol. 69).....	....590, 601, 625, 657, 697, 757	....
779	Mr. Carothers—To authorize the transfer of certain public lands in the villiage of Sunbury, Delaware county, Ohio, to the board of education of Sunbury special school district, Delaware county, Ohio..	.....564, 567, 605, 632, 653	653
781	Mr. Converse—To amend an act entitled an act to amend an act entitled an act supplementary to the act further to prescribe the duty of county commissioners, passed April 8, 1856, and to repeal an act amendatory thereto, passed March 12, 1867, and took effect May 1, 1867, (S. & S., 89).....	....703, 708	....
783	Mr. Barnett—To authorize the commissioners of Richland county to transfer money from the county to the bond and interest fund.....	.....356, 370, 608, 634, 663	663
785	Mr. Sherrick—To authorize the commissioners of Stark county to increase the levy for county fund.....	.....394, 411, 440, 449, 475	476
787	Mr. Nigh—To authorize the commissioners of Lawrence county to build a bridge across Ice creek in said county.....	.....358, 369, 555, 584, 586	587
788	Mr. Tryon—To amend section 20 of an act entitled an act for the assessment and taxation of property in this State, and for the levying taxes thereon according to its true value in money, passed April 5, 1859, (S. & C., p. 1447).....	.....461, 463, 482, 502	522
790	Mr. Flaugher—Supplementary to an act entitled an act to authorize the county commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named, passed March 29, 1867, and the acts amendatory thereof.....	.....520, 544, 564, 611, 697	698
791	Mr. Hart—For the relief of Joseph Barrington.....	.....418, 425, 571, 621, 697	698
792	Mr. Howland—To authorize the building of a town hall in the village of Jefferson, in Ashtabula county.....	.....461, 463, 528, 547, 590, 615	616
793	Mr. Krimmel—To authorize the commissioners of Pickaway county, Ohio, to repair or rebuild the bridge across Deer creek, at Williamsport, in said county..	.....497, 500, 528, 551, 594	....

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
795	Mr. Flaugher—To authorize the commissioners of Brown county to levy an additional tax for the payment of county expenses	497, 499, 555, 583, 586	587
796	Mr. Converse—To amend section one of an act entitled an act to amend section one of the act entitled an act to require county commissioners to construct approaches to bridges, passed April 20, 1874, (vol. 71, p. 115)	703, 708	....
797	Mr. Beach—To authorize the trustees of Darby township, Madison county, to transfer certain funds mentioned therein	591, 601, 645, 674, 712	713
798	Mr. Neal—To authorize the council of municipal corporations to require new bonds to be given by municipal officers in certain cases	[589 436, 447, 527, 550, 551, 583, 586,	587
799	Mr. Bowen—To provide for the abandonment of certain portions of the Hocking canal lying between the first lock below and east of Nelsonville, in the village of Chauncey, in Athens county, Ohio	497, 500, 604, 715	716
802	Joint Committee—To secure greater safety for public travel over bridges	497, 500, 684, 693, 713, 714, 752	....
803	Mr. Hitchcock—To amend section 55 of an act entitled an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts, passed March 14, 1853, (51 vol. 179, S. & C., p. 769)	461, 463, 679, 693, 700	....
804	Mr. Dirr—To amend section one of an act entitled an act to authorize cities of the first-class having a population of over one hundred and fifty thousand inhabitants to pay certain claims, passed April 11, 1876, (O. L., vol. 76, p. 214)	673, 693, 728, 745, 768, 769	769
805	Mr. Oglevee—Supplementary to an act entitled an act to provide for the organization and government of municipal corporations, authorizing certain cities therein named to construct certain improvements therein named, and to issue bonds for the payment of the same	591, 601, 683, 703, 718	719
806	Mr. Nigh—To further consolidate land titles in Ohio	620, 632, 680, 701, 764, 765	766
808	Mr. Ullery—To amend section 51 of the act passed May 7, 1869, entitled an act to provide for the organization and government of municipal corporations (66 v. 149); section 491, of the same act as amended April 18, 1870, (67 v. 78); and section 493 of the said original act	[755, 760, 763 498, 500, 682, 704, 725, 748, 745,	764
809	Mr. Blake—To authorize the trustees of Shalersville, Portage county, to levy a tax for certain purposes mentioned therein	520, 543, 554, 593, 658	659

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
810	Mr. Thresher—Relative to dower and the mode of fixing the value in money of dower estates	.....473, 494, 687, 721, 767, 768	769
812	Mr. Barrett—Creating a special school district in Sandusky township, Richland county, Ohio	558, 561, 624, 629, 638, 648, 697	698
813	Mr. Krimmel—To authorize the board of public works to enlarge a culvert under the Ohio canal, known as Williams' culvert, on the Millport level, in Pickaway county	....699, 708, 725, 739, 764, 765	766
816	Mr. Cowgill—To authorize the creation of a special school district in Rush township, Champaign county	....461, 463, 491, 524, 584, 585	587
818	Mr. West—To authorize the trustees of Wayne township, Clermont county, O., to transfer certain funds	.....402, 411, 442, 449, 476	477
819	Mr. Thresher—Supplementary to an act entitled an act to provide for and regulate street railroad companies, passed April 10, 1861 (S. & S. p. 134)	.....497, 500, 683, 711	....
820	Mr. Perkins—To provide for the purchase of books for the use of common schools.	558, 561, 610, 685, 716, 717, 729, [751	....
822	Mr. Raudabaugh—For the relief of the Mercer county agricultural society	....564, 567, 576, 621, 710, 742	743
823	Mr. Garwood—For the relief of the road commissioners of the Marysville, New California and Franklin county line free turnpike	....574, 601, 606, 633, 648, 662	663
827	Mr. Quinby—To authorize the village council of Clarksville, Clinton county, Ohio, to levy a tax for the relief of G. W. Garrison and Ezekiel Cast	.....513, 543, 682, 704, 742	743
828	Mr. Johnson—To authorize the town council of the incorporated village of Dennison, Tuscarawas county, to levy a tax to build a Mayor's office	.....418, 425, 455, 495, 566	556
829	Mr. Watson—To amend (42) section 33 of an act for opening and regulating roads and highways, passed January 27, 1853, (S. & C., pp. 1297-8)	.....590, 601, 642, 664, 712	713
830	Mr. Oglevee—To amend section 1 of an act to amend sections 1 and 4 of an act entitled an act to provide for the repair of free turnpike roads in certain counties and to authorize the county commissioners of any county in this State to constitute a board of directors to regulate the hauling of heavy burdens on any free turnpike or improved road, passed and took effect April 20, 1874, passed March 17, 1875, (O. L., vol 72, p. 57) passed April 3, 1876, (O. L., vol. 73, p. 151)	574, 600, 605, 612, 633, 634, 648, [697	698

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
831	Mr. Converse—Vesting the police commissioners with certain powers and duties of a board of Health in cities of the second-class having a population of more than 31,000 and less than 35,000 at the last Feberal census, and not having a board of health	474, 495, 527, 551, 646, 715	716
835	Mr. Perkins—For the relief of the official sureties of Cortez Sephens, deceased, late treasurer of the township of Brunswick, Medina county, Ohio	460, 463, 557, 601, 658	659
837	Mr. Barrett—Authorizing the creation of an additional sub-school district in Beaver township, Greene county	498, 501, 528, 551, 584, 585	587
838	Mr. Breck—To authorize the trustees of Brecksville township, Cuyahoga county, to levy a tax for certain purposes mentioned therein	651, 657, 682, 702, 742	743
839	Mr. Krimmel—To authorize the board of education of the incorporated village of Williamsport, Pickaway county, Ohio, and territory annexed for school purposes, to borrow money and levy a tax to pay certain indebtedness	651, 657, 684, 716, 747	748
841	Mr. Hart—To authorize the city of Mount Vernon, Ohio, to levy a special tax to equip certain railroad shops in said city.	489, 500, 666, 688, 690	....
844	Mr. Meuser—To authorize the council of the incorporated village of New Washington, Crawford county, to borrow money for the construction of a lock-up and mayor's office	460, 463, 603, 621, 626, 715	716
846	Mr. Haley—To authorize the incorporated village of Ada, Hardin county, Ohio, to issue bonds and sell the same to pay judgment of Martha Claflin, and costs, interests, and other expenses in and about lawsuit for damages against said village, and to provide for the payment of such bonds, and the interest thereon.	436, 447, 454, 521	522
847	Mr. Hodge—To amend sections 395 and 342 of the municipal code	461, 462	....
848	Mr. Carothers—To amend section one of an act entitled an act to authorize the board of county commissioners of Delaware county to levy a tax for the purpose of building a county jail in said county, passed and took effect March 14, A. D. 1877	496, 500, 562, 602, 659	659
849	Mr. Cleaver—To create two separate election precincts in Kirkwood township, Belmont county	497, 500, 527, 551, 584, 585	587
851	Mr. Sorter—To amend section 34 of an act to provide for the creation and regulation of incorporated companies in the State of Ohio, (S. & C., p. 295)	650, 657, 681, 702, 742	743

HOUSE BILLS—Continued.

Number.	Author and Title.	Proceedings.	Signed.
852	Mr. Nixon—For the relief of Joseph W. McIlvaine, treasurer of Scio special school district, North township, Harrison county, Ohio, and his sureties	460, 463, 481, 490, 544, 563, 584, [586	587
853	Mr. Howland—Relating to certain proposed amendments to the constitution and the publication thereof	435, 447, 480, 490, 491, 569, 589, [599, 658	659
855	Mr. Brunner—To create a special school district in Richland township, Wyandot county, and to authorize the board of education of said township to transfer certain funds to the board of education of said special district	592, 601, 626, 629, 672, 688, 690	....
856	Mr. Baker of Perry—To create a joint subdistrict for school purposes in the township of Thorn, Perry county, and Walnut township, Fairfield county	.....558, 561, 719, 768, 769	769
857	Mr. Wales—To authorize the council of the incorporated village of Franklin, Warren county, to issue and sell bonds to purchase a fire engine	.....563, 567, 608, 634, 663	663
859	Mr. Wiltsee—To amend an act to amend an act entitled an act further to provide for the government of Longview asylum, and amendatory and supplementary to the act entitled an act to constitute the county of Hamilton a separate district for lunatic asylum purposes, and to provide for the erection and government of an asylum therein	.....691, 708, 727, 743, 761	....
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868	Mr. Breck—To authorize the council of the incorporated village of Brooklyn, Cuyahoga county, State of Ohio, to transfer money from the cemetery fund to the corporation fund	.....558, 561, 607, 634, 662	663
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876	Mr. Hitchcock—To consolidate, revise, and amend the statutes relating to jails and the penitentiary, to be known as part 2, title 3, jails and penitentiary.....	574, 596, 608, 616, 648, [672, 744 660, 661,	744
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878	Mr. Hodge—Supplementary to an act entitled an act to amend sections 66, 67 and 70 of the act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, (S. & C. stat., p. 305), and to repeal a certain act amendatory thereto, passed January 26, 1865, (O L., 62, p. 4; S. & S. p. 239).....	.....558, 560, 606, 633, 662	663
883	Mr. Wales—For the relief of Hiram W Donley, treasurer of Turtle Creek township, Warren county, Ohio.....	.....650, 657, 680, 701, 742	743
886	Mr. Richards—To amend section 87 of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869, (O. L., vol. 66, p. 164).....	.....557, 560, 607, 612, 638, 648	639
887	Mr. Krimmel—To authorize the commissioners of Pickaway county, Ohio, to use from the bridge fund of said county any sum not exceeding three thousand dollars, for road purpose therein.....	488, 674, 693, 724, 738, 764, 765	766
888	Mr. McLain—To create a special school district in Bristol township, Trumbull county.....	.....558, 560	....
889	Mr. Millikan—To provide for the publication of legal advertisements.....	.....674, 693, 728, 744, 764, 765	766
890	Mr. Garwood—To authorize the council of the incorporated village of Marysville, Union county, Ohio, to purchase or condemn grounds for cemetery purposes, and to levy a tax, issue bonds, and borrow money to pay therefor.....	.....692, 708, 726, 740, 768, 769	769
891	Finance Committee—For enlarging the gas works to the asylum for idotic youth	.....632, 653, 680, 693, 736, 742	743
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897	Mr. Hodge--Supplementary to the act entitled an act relating to juries, passed April 26, 1873; also, an act entitled an act to amend section 2 of the act entitled an act relating to juries, passed April 26, 1873, passed March 9, 1876; also, the act entitled an act to regulate the fees of probate judges, clerks of the courts, sheriffs, witnesses, jurors' fees in partitions, and to repeal certain acts therein named, passed April 8, 1876, and to repeal the same so far as the same may be applicable to the provisions of this act	631, 653, 687, 709, 721, 722, 748, [764	
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905	Mr. McLain—Appropriating money to pay for transcribing certain muster rolls of Ohio volunteers into permanent record books	670, 692, 725, 732, 739, 755, 764, [765	653
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909	Mr. Hodge—To amend section two of an act entitled an act regarding the maintenance and repair of streets, alleys, etc., in cities of the first-class having a population of more than ninety thousand and less than one hundred and fifty thousand inhabitants at the last federal census, passed April, 1877, and to repeal said original section	640, 654, 681, 702, 767, 768, 769	769

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ERRATA.

On page 253, after motion of Mr. Andrews to correct the Journal, for "which was agreed to," read "which was disagreed to."

On page 655, the Journal should read, after the confirmation of A. B Cornell, as follows:

The question being on consenting to said appointment of C. W. Horr, the yeas and nays were taken, and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kessler, Knox, Miller, Owens, Philson, Reese, Rukenbrod, Sheridan, Spangler, Stanton, Stokes, Swan and Williams—26.

So the Senate advised and consented to said appointment.

The question being on consenting to said appointment of E. F. Ensign, the yeas and nays were taken and resulted—yeas 26, nays none, as follows:

Those who voted in the affirmative were—

Messrs. Andrews, Bates, Beatty, Brown of Lucas, Brown of Ross, Burress, Burrows, Curtiss, Ellis, Haines, Johnston, Kent, Kerr, Kessler, Kleinschmidt, Knox, Miller, Owens, Reese, Rukenbrod, Sheridan, Spangler, Stanton, Stokes, Swan and Williams—26.

So the Senate advised and consented to said appointment.

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